

Lee County Board of Education

Policy Manual

2023 Revision

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Appendix A. Policy Manual Index

Appendix B. Comparative Section Table

1. Governing Principles

VISION

The Lee County Board of Education has a responsibility to ensure every student learns at his/her maximum potential and to set standards and expectations for the quality of education through the establishment of graduation requirements, accreditation of local schools, and certification of professionals. The Board of Education, the administration, and the staff of Lee County Schools will continuously focus on:

- Preparing students for a knowledge-based, technologically enhanced, and culturally diverse 21st century.
- Supporting each student's success in a learning community.
- Ensuring a partnership with families and communities to support student learning.
- Communicating a vision for improving public education for ALL Lee County students.
- Guaranteeing that students have an opportunity to learn the skills necessary for their future, either for jobs or further education.
- Maintaining a strong partnership between the communities and the schools.
- Opening pathways of communication between all groups concerned with education.
- Proactively implementing continuous improvement for grades k-12.
- Advocating professional development and teacher education programs.

MISSION

The Lee County School System will take a prominent role advocating a progressive education for each student in our schools. The mission of Lee County Schools is to educate every student through a comprehensive and academically challenging curriculum taught in a safe and nurturing environment. We challenge students to pursue dreams, succeed with integrity, and contribute meaningfully to a diverse society.

CORE BELIEFS

- All students are valued individuals who can learn.
- The education of each student is a responsibility shared by students, families, schools, and communities.
- Each individual achieves best in an environment where physical and emotional safety is guaranteed.
- Personal integrity is essential to individual success.
- Learning is a lifelong endeavor.

2. School Board Operations

2.1. *System Legal Status*

- 2.1.1. Authorization. The Lee County School System derives its legal status from the State Legislature which, in turn is subject to the constitutions of the State of Alabama and of the United States. The Alabama Constitution authorizes the legislature to provide for “the establishment and operation of schools” and authorizes counties to levy and collect ad valorem taxes for the support and furtherance of education in the manner authorized by the legislature. The organization and composition of the Lee County Board of Education is further impacted by applicable orders of the federal district court with jurisdiction over the Board.
- 2.1.2. Management and Control. The Lee County School System is operated under the exclusive control and management of the Lee County Board of Education and consistent with the constitution, state law and applicable administrative regulations.
- 2.1.3. Corporate Name. The corporate name under which the school system conducts business is the “Lee County Board of Education”. Its official address is 2410 Society Hill Road, Opelika, AL 36804.

[Reference: ALA. Constitution of 1901 §§256, 269; [cite to federal desegregation order]]

2.2. *Board Composition, Qualification and Organization, Vacancies and Removal*

- 2.2.1. Composition. The Lee County Board of Education is composed of seven (7) members who are elected to six-year staggered terms by the qualified electors of Lee County to serve single-member districts located outside of the municipalities in Lee County which are served by city boards of education. Board members must be residents of the district in Lee County which they are elected to serve.
- 2.2.2. Qualifications of Board Members. Members of the Lee County Board of Education should exhibit a willingness to give time and effort and support the need for public education; to motivate others, exhibit the capacity to understand people and possess the insight to work as a part of a cooperative body. Additionally, members shall meet the following criteria:
 - a. Be a qualified elector of Lee County, Alabama;
 - b. Not be employed by the Lee County School System;
 - c. Be of good moral character;
 - d. Have at least a high school education;
 - e. Not be a registered sex offender;

- f. Not be a convicted felon; and,
- g. Not be serving on the board of a private school or college;
- h. Be known for honesty, business ability, public spirit, and interest in the good of public education;
- i. Be a resident of the single-member district which he or she seeks to represent for at least one (1) year immediately preceding the deadline date for qualifying as a candidate, and reside in that district during the entire term of office;
- j. Have no direct or indirect financial or contractual interest in Lee County Board of Education business matters.

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

2.2.3. Officers – The Board will elect from its members a president and vice-president at the annual meeting of the Board held in November of each year. The president shall preside at all meetings of the board, call special meetings as circumstances require, sign minutes and other official documents together with the Superintendent, and perform other duties as prescribed by law or policy. The vice-president shall preside and perform other duties of president as required by the circumstances, in the absence of the president. If the president and vice-president are both absent at a meeting at which a quorum is present, the ranking member present in terms of continuous service on the Board, shall preside. The Superintendent will serve as both the Board’s chief executive officer and secretary. If the superintendent’s position is vacant, the Board shall name an interim superintendent who shall also serve as interim secretary until such time as the superintendent’s position is filled.

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

2.2.4. Vacancies. Vacancies of positions on the Lee County Board of Education shall be filled as follows:

- a. By action of a majority of the remaining members of the Board, within thirty (30) days of the occurrence of the vacancy, to appoint a qualified candidate to serve for the unexpired term.
- b. In the event the vacancy is not filled by the remaining members of the Board within thirty (30) days, the Lee County Superintendent shall notify the State Superintendent of Education who shall fill such vacancy by appointment.

[Reference: ALA. CODE §16-8-6 (1975)]

2.2.5. Resignation of Board Members

- a. In the event a Board member chooses to resign, a written statement of resignation should be submitted to the Lee County Board of Education as far

in advance of the effective date of resignation as possible.

- b. Lee County Board of Education members may submit resignations at any time during their term of office; subject to Board approval.
- c. A Board member shall be deemed to have resigned when he/she permanently establishes residence outside the district he/she was elected to represent, becomes subject to the authority of the Board as an employee otherwise, or becomes an elected official for another governmental agency.

2.2.6. Reprimand, Censure and Removal from Office

- a. A Board member may be reprimanded, censured and/or disqualified from re-election under circumstances and in accordance with procedures set out in the Alabama School Board Governance Improvement Act of 2012, Ala. Code §16-1-41.1.
- b. Board members may be removed from office during their term through impeachment proceedings consistent with the provisions of the Alabama Constitution.

[Reference: ALA. CONSTITUTION OF 1901 §§173, 175, ALA. CODE §§16-8-4, -6, 16-1-41.1(1975)]

2.3. *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 portions of Lee County, Alabama which are not served by city boards of education. Board authority will only be exercised collectively through action taken in accordance with applicable statutory law 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. It shall be the responsibility of Board members to comply with the code of conduct adopted in accordance with the Alabama School Board Governance Improvement Act of 2012.

Upon the recommendation of the Superintendent and following consultation with the local employees' professional association as required by law, the Board is authorized to adopt policies governing the operations of the school district and the expectations, conduct and discipline of District employees, as well as to establish a student code of conduct.

The Superintendent is authorized to promulgate such procedures as may be deemed necessary or convenient to implement Board-adopted policies.

At any meeting, the Board, upon recommendation of the Superintendent, may temporarily suspend the operation of one or more policies, as deemed appropriate given exigent or other applicable circumstances.

In the absence of applicable policy, the Superintendent may take administrative action as

deemed necessary in any manner not inconsistent with approved Board policies.

District policies and subsequent amendments adopted by the Board shall be disseminated by publication on the District's website.

[Reference: ALA. CODE §§16-1-30, -41.1; 16-8-1, -7 to -10 (1975); AAC §290-3-1-.02]

2.4. *Board Member Compensation*

Members of the Lee County Board of Education shall receive compensation in the sum of six hundred (\$600) dollars per month or such sum as may be authorized by local act and approved by a majority vote of the Board at its annual meeting. Board members shall also be reimbursed for expenses incurred in the performance of their official duties as authorized by law.

2.5. *Board Member Training*

2.5.1. General – Board 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 event(s) addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.

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

2.5.3. Board Self-Evaluation – The Board will conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of Board members.

[Reference: ALA. CODE §16-1-41]

2.6. *Board Meetings*

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

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

2.6.2. Time and Place – The times and places for regularly scheduled meetings will be established by the Board in the exercise of its sound discretion. Unless otherwise established or determined by the Board, its regular monthly meeting will be held at 6:00 p.m. on the second Tuesday of each month in the Boardroom at the Central Office. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is required by law and is practicable under the circumstances.

[Reference: ALA. CODE §§16-8-4, 36-25A-1, et seq. (1975)]

2.6.3. Special (Called) Meetings . Special meetings shall be called by the president of the board, upon written request of a majority of the members of the board to the president (which request may be conveyed by electronic mail), or by the superintendent. Notice of the call or request shall be simultaneously conveyed to all board members and to the superintendent, together with a statement of the reason for the call or request and the matters to be addressed at the meeting. The meeting shall be set as soon as is practicable, taking into account the reasonable availability of board members and the superintendent, the urgency of the matters to be addressed, and the necessity to provide public notice of the meeting as provided by law.

2.6.4. Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*, provided that strict adherence to the formalities of the Rules of Order may be reasonably relaxed in order to facilitate conduct of board business. A majority of the whole board will constitute a quorum for purposes of transacting board business except as may otherwise be provided by law. Deviations from or errors in executing parliamentary procedure shall not invalidate board actions or decisions that are otherwise consistent with the intent of the board.

2.6.5. Electronic Meetings – Members of the Board, or any committee of the Board may participate in a meeting by electronic means, only in accordance with this policy.

a. Definitions: For purposes of this policy, the definition of the listed words and phrases shall be as follows:

“**Electronic Means**” shall mean telephone conference, video conference, or other similar communications equipment or applications allowing participants who are physically present as well as those participating from a remote location, to hear one another at the same time.

“**Illness**” shall mean any unhealthy condition that may cause a member to not feel well enough to attend and participate in person in a public meeting, or exposure for which current guidance from the Alabama Department of

Public Health or the Centers for Disease Control recommends isolation or quarantine, as of the date of the meeting.

“**Meeting**” shall mean any regularly scheduled or special called meeting at which business of the Board or committee will be conducted.

“**Member**” shall mean members of the Board or of a Board committee subject to the Alabama Open Meetings Act.

b. Criteria Required for Participation in Meetings by Electronic Means: A member may participate in a meeting by electronic means, provided that the following criteria are met:

1. No less than a quorum of the members are physically present at the physical location of the meeting;
2. A member participating by electronic means is unable to be physically present due to illness;
3. Participation by electronic means shall constitute presence in person at the meeting for all purposes, except for the establishment of a quorum;
4. Each meeting at which any member is participating by electronic means must be held at a physical location available for persons wishing to attend in person, and any interested member of the public at the physical location must be able to hear all members who are participating by electronic means;
5. Any vote taken at a meeting including attendance of a member by electronic means must be taken as a roll call vote that allows each participant to vote individually in a manner audible to all persons participating by electronic means as well as those physically present at the physical location of the meeting;
6. No member participating in a meeting by electronic means may claim any form of reimbursement for expenses relating to that meeting, including mileage;
7. No member of the Board may participate by electronic means in deliberations or voting on any action of the Board taken pursuant to the Students First Act of 2011.

[Reference: ALA. CODE §36-25A-5.1 (1975)]

2.7. *Superintendent’s Responsibilities, Qualifications, and Appointment*

2.7.1. Role, Responsibilities, Qualifications, and Term – The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent may be appointed for a term as established by contract, of from two to four years from the first day of July next succeeding the appointment, which term may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law. 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 §16-9-1 (1975)]

2.7.2. Scope of Executive and Administrative Authority – In addition to specific grants of authority set forth in particular Board policies, the Superintendent is authorized to develop and implement 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. The Superintendent may appoint a designee to act on his/her behalf subject to applicable legal restrictions.

2.8. *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.

2.9. *Association Membership*

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

3. Fiscal Management

3.1. Chief School Financial Officer

The Board will appoint a Chief School Financial Officer (CSFO) in consultation with the Superintendent, 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 terms of employment of the CSFO shall be established under an employment contract approved by the Board and may be renewed, extended, or modified, subject to any limitations as may be imposed by law. The CSFO shall work under the supervision of the Superintendent with direct fiduciary responsibility to the Board. The CSFO will perform duties required by state law, as specified in his/her contract to assure appropriate fiscal management of the school system.

[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 required by state law and regulations, including approval by the Board following presentation in at least two open, public hearings conducted after appropriate public notice. Budgets will be “balanced” such that the expenditures set forth in the budget for the fiscal year will not exceed revenues and any cash balance requirements set forth by law. Budget amendments will be prepared and approved in accordance with instructions from the Alabama State Dept of Education.

It shall be the Board’s goal to maintain one month’s (i.e., 30 days) operating balance in its reserve fund, equal to one twelfth of the general fund expenditures and outgoing transfers in the current Board-approved budget. The Superintendent or CSFO will inform the Board, before the Board votes on a budget or budget amendment, if the approval of the budget or budget amendment will fail to provide for establishment or maintenance of the one-month’s operating balance reserve fund. The Board’s goal is not intended to supplant the reserve fund balance requirements.

The Board authorizes the Superintendent to make line item transfers as necessary in the budget during the fiscal year, provided the transfers are within the total sum of revenue and expenditures authorized by the budget and are otherwise consistent with existing laws and regulations of the state and federal government. The Superintendent shall keep the Board informed of any line item changes made pursuant to this authority which shall be presented to the Board for ratification by budget amendment.

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

3.3. Accounting

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State Department of Education will be completed in compliance with the Alabama School Fiscal Accountability Act.

Accounts and fiscal records shall be available during normal business hours for inspection by the public and shall be preserved for a five-year period of time or for such period as specified by the State Department of Education or the State Examiners of Public Accounts.

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

3.4. Financial Procedures and Local School Finance Manual Authorized

3.4.1. Board Financial Transactions. Financial transactions, budgeting and accounting for the District will be administered in accordance with state law, ALSDE regulations and Financial Procedures of the District, as developed by the CSFO, subject to approval of the Superintendent.

3.4.2. Local School Finance Manual. The CSFO will develop a Local School Finance Manual, to be issued upon approval of the Superintendent. The Local School Finance Manual will establish and describe specific practices and procedures that are to be followed in connection with all phases of financial administration at the local school level, 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 Local School Finance Manual will be disseminated or made available to all employees with administrative responsibilities involving the receipt, handling, or expenditure of school funds, and training will be provided by the Superintendent and the CSFO regarding the contents of the Local School Finance Manual.

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

3.5. Governmental Funds and Fund Balance Policy

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

3.5.3. Reconciliations. All bank accounts of the Lee County Board of Education and its local schools shall be reconciled to the financial records monthly. At the direction of the Superintendent, the Chief School Financial Officer shall be responsible for developing and distributing regulations to central office and local school staff responsible for appropriately verifying that monthly bank statements are reconciled

to the financial records on a timely basis in a manner that ensures accurate monthly financial statements.

- 3.5.4. 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.
- 3.5.5. Review and Reporting. The Board of Education along with the Superintendent and Chief School Financial Officer will periodically review all restricted, committed, and assigned fund balances. The Chief School Financial Officer will prepare and submit an annual report of all restricted, committed and assigned funds for the Board of Education.
- 3.5.6. Publication. The Board shall publish annually in a public newspaper a complete statement of receipts and disbursements as well as a statement of outstanding funded and unfunded indebtedness of the Lee County School System for the twelve-month period ending the preceding September 30. This report shall be published during the month of October. Such statements shall be drafted on the forms as required by the State Superintendent of Education.

Within thirty (30) calendar days after receipt of each annual report/financial statement, the Board shall place for public inspection said annual report in its entirety:

- One copy in the office of the Board or the Superintendent;
- One copy on reserve in each high school library under the jurisdiction of the Board; and
- A minimum of one copy in the main public library within the city in which the Board is located.

Within thirty (30) calendar days after receipt of each annual report/financial statement, the Board shall provide written notice of the availability of said annual report to:

Board; and

- Each local parent group;
- Each Chamber of Commerce in the geographic area served by the Board; and

- Local News Media.

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

3.6. Audits

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

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

3.7. Property Management and Inventories.

3.7.1. Real Property. Acquisition, transfer and disposition of real property shall be undertaken by the Board on the recommendation of the Superintendent in accordance with state law (see Ala. Act 2014-133) and with any applicable procedures adopted by the Superintendent for such transactions.

3.7.2. Inventory. 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.

3.7.3. Lost or Stolen Property. Principals or supervisors of departments other than local schools shall make the following notifications and reports promptly upon discovery that any Lee County property has been vandalized, lost, or stolen:

- a. Appropriate law enforcement agencies if property is believed to be stolen or vandalized
- b. Immediate contact with the Superintendent's office by telephone and followed up in email or other written report providing details related to items vandalized, lost, or stolen and any ensuing investigation, Copies of written reports must be provided to appropriate custodians of property records.
- c. The Superintendent or designee shall report to the Board regarding any property lost or stolen if not recovered within thirty (30) days after discovery of the loss or theft. Major losses shall be reported to the Board immediately with a recommendation concerning steps to be taken with respect to recording the loss, insurance coverage, and personal liability of anyone found to be responsible.

[Reference: ALA. CODE §§16-13A-1, 6 (1975); Ala. Act 2014-133]

3.8. *Purchasing*

All purchases will be made in accordance with an approved purchase order system that will include such requirements and procedures as may be established in District financial procedures and the Local School Finance Manual.

3.9. *Deposit and Expenditure of Funds*

3.9.1. Deposits – All funds of the Board will be deposited with qualified depositories, as defined by law, in the manner consistent with District financial procedures and the Local School Finance Manual.

3.9.2. Investments – Based upon the Board’s written system of internal controls and operational procedures, the Chief School Financial Officer shall direct the investment of temporarily idle funds in writing in Qualified Investments (defined below) to earn the maximum return for the period available while maintaining the desired liquidity of such funds, provided, however, that such funds must be invested in accordance with the requirements of the Security for Alabama Funds Enhancement (SAFE) Program, according to Sections 41-14A-2 through 41-14A-6, 41-14A-8 and 41-14A-9, *Code of Alabama 1975*, as amended.

For purposes of this policy:

- a. “Qualified Investments” means:
 1. Federal Securities,
 2. Secured Deposits,
 3. Any money market, cash, sweep or similar accounts or funds invested solely in Federal Securities, customarily utilized by the Board’s depository for the investment of public funds and rated "AAAm," "AAAm-G" or better by Standard & Poor’s Rating Group and if rated by Moody’s, "Aaa," "Aa1" or "Aa2." Such funds may be managed by the Board’s depository or any of its affiliates or subsidiaries of affiliates; and
 4. Investment pools managed and directed by an approved agency of the state.
- b. “Federal Securities” means direct general obligations (including obligations issued or held in book-entry form on the books of) of the Department of the Treasury of the United States of America.
- c. "Secured Deposits" means U.S. dollar denominated deposit accounts, federal

funds and banker's acceptances with domestic commercial banks, provided that such deposit is collaterally secured by the issuing bank by pledging securities having a market value (exclusive of accrued interest) not less than the face amount of such deposit less the amount of such deposit which is insured by the Federal Deposit Insurance Corporation.

Other investments may not be made unless specifically authorized by resolution of the Board.

[Reference: ALA. CODE §§ 16-8-9, 16-13A-1, 16-13-2, 41-14A-1 et seq.]

3.9.3. Expenditures

- a. The Superintendent or his designee, without prior Board approval, may spend funds budgeted for operations in an amount which, per transaction, is less than the amount specified in the Alabama Code as the threshold amount above which competitive bidding is required by county and city boards of education; provided, however, that no singular payment shall be made by the Chief School Finance Officer which exceeds ten (10%) percent of the budgeted amount for any program areas in the budget, except as authorized by the Superintendent.
- b. Expenditures for capital outlays subject to the Alabama Public Works law, or purchases which are otherwise subject to applicable state or local purchasing policies, regulations or bid laws may only be made in accordance with such applicable policies, laws and regulations. The term "transaction" and the statutorily specified limit referenced above applies to the transaction as a whole and not to portions, segments, or phases of a project or undertaking.
- c. No purchases shall be made which obligate the revenue of a subsequent school year nor shall any purchases be made which encumber a school system fund or local school fund or account beyond the available resources of that fund or account, unless the purchase is made through a deferred installment payment plan approved in advance by the Superintendent.

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

3.9.4. Reserve Funds –The Board will maintain, at all times, a minimum of one month's unreserved fund balance.

3.9.5. Consultants – The Board retains the authority to engage counsel to serve as legal counsel to the Board, Superintendent and District. The Superintendent may engage other professional consultants, specialists, and experts, including but not limited to medical, mental health, educational, financial, technical (e.g., engineering, architectural, computer) experts and specialists for discrete, ad hoc projects or tasks without prior express Board approval.

- a. The board-approved budget must contain funds for the expenditure;

- b. The transaction and payment shall meet other applicable legal requirements, if any (e.g., the bid law);
- c. This policy shall not be effective if formal Board action and approval is otherwise required by law;
- d. All such expenditures shall be reported monthly to the Board of Education in the manner prescribed by §16-13A-8 of the Code of Alabama (1975).
- e. 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.

3.9.6. Competitive Bid Law and Public Works Law– All purchases will be made in compliance with the competitive bid law and Public Works Law, when applicable, and with such corresponding rules, regulations, and District financial procedures and the Local School Finance Manual. The Superintendent is authorized to enter into cooperative purchasing agreements, with purchasing cooperatives, other school systems or local governments and to make emergency purchases to the extent permitted by state law.

[Reference: ALA Code §39-1-1, *et seq* (1975), as amended by Ala. Act. #2023-497 (effective September 1, 2023); ALA CODE §16-13B-1, *et seq.* (1975), as amended by Ala, Act. 2023-203 (effective August 1, 2023)]

3.9.7. Purchases in violation of state law, policy or procedure. Purchases made in material and/or intentional violation of state law, board policies or procedures or the Local School Finance Manual, may result in personal liability for the cost of the purchase, applicable criminal penalties as set out in state law, and disciplinary action, including dismissal from employment.

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

3.9.9. Debt Management

- a. *Long-term debt.* Long-term debt shall not be used for operating purposes and the life of the bonds should not exceed the useful life of the projects financed.
- b. *Rating.* Full disclosure of operations, including annual audits will be provided to the bond rating agencies and EMMA. The board staff, its investment banker

and bond counsel, will prepare the necessary materials for presentation to the rating agencies.

- c. *Federal requirements.* The board will maintain procedures to comply with arbitrage rebate and other federal requirements as necessary.
- d. *Debt service reserves.* The debt service fund should not have reserves or balances in excess of the amount required, if any.
- e. *Debt burden.* The debt burden should be within the norm of comparable school systems. Long-term debt financing will be submitted to State Board of Education for approval
- f. *Debt structuring.* The board will issue warrants not to exceed 30 years. The issuance should reflect an overall annual payment that is relatively level.

3.10. Federal Funds. OMB Part 200

Expenditure of federal funds subject to the requirements of the Office of Management and Budget’s Uniform Administrative Requirements, Cost Principles and Audit Requirements—Part 200 (“Part 200”) will be subject to the following policies of the Board:

3.10.1. Cash Management for Federal Funds. The Board will minimize the time between the receipt of federal funds from the United States Treasury, the Alabama Department of Education, or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits.

The Chief School Financial Officer will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program fund and for the aggregate of all federal program funds will be monitored by the Chief School Financial Officer or designee.

Board procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds, with the exception of Child Nutrition Program funds, will not be maintained in an interest-bearing bank account if the Chief Financial Officer determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits under the SAFE program.

3.10.2. Determination of Allowable Costs

Before instituting a financial transaction that will require the expenditure of federal funds the federal program director and the Chief School Financial Officer or designee will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

- a. The proposed expenditure is included in the federal program budget;
- b. The proposed expenditure is reasonable and necessary for the federal program;
- c. The proposed expenditure is consistent with District Financial Procedures for financial transactions of the board including:
 1. Purchase order approval procedures;
 2. Contract review and approval procedures;
 3. Applicable competitive purchasing procedures; and
 4. Documentation supports allowability of transaction.

Before payments are made from federal funds the federal program director and the Chief School Financial Officer or designee will determine that the federal program expenditure complies with generally accepted accounting principles and complies with state, local, and federal laws, rules and regulations.

3.10.3. Travel Policy. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by board employee who are in travel status on official business of the board. The board's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for board employees paid from state or local funds.

3.10.4. Conflict of Interest Policy. Generally, a conflict of interest exists when a board member, board employee, or agent of the board participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A board member, board employee, or agent of the board may not participate in his or her official capacity in a matter that is likely to have a direct and predictable effect on his or her financial interests.

- a. A board member, board employee, or agent of the board will abide by the federal and state laws and regulations that address conflict of interest standards. In general, the federal rules provide that no employee, officer, or agent of the board shall participate in selection, or in the award or administration of a

contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ any of the parties indicated herein, has a financial or other interest in a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontractors.

- b. The board's conflict of interest policies include adherence to the Alabama Ethics Law, as it may be amended from time to time, which defines conflict of interest as a conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.
- c. A board member, board employee, or agent of the board may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is: (a) giving preferential treatment; (b) losing independence and impartiality; (c) making decisions outside official and appropriate channels; or (d) harming the public's confidence in the integrity of the board.
- d. Situations and circumstances presenting an actual conflict of interest or the appearance of a conflict of interest should be brought to the immediate attention of the Superintendent. A board employee, board members, or agent of the board who has knowledge of a possible conflict of interest should identify the conflict and notify the Superintendent. The Superintendent will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the State Ethics Commission, the Alabama State Department of Education, or the appropriate federal agency.

3.10.5. Procurement Policy – The board will follow state laws for the procurement of property and services. The primary state procurement laws for Alabama school boards are Alabama Competitive Bid Laws (Chapter 13B of Title 16, Code of Alabama 1975); Joint Information Technology Purchasing Agreement (Chapter 13B of Title 16, Code of Alabama 1975); and Public Works Law (Title 39, Code of Alabama 1975).

To the extent allowed by state laws, the board will utilize state, local, regional, and national purchasing agreements where appropriate for the procurement or use of goods and services. All procurement transactions are subject to the board's Conflict of Interest Policy and the procurement decisions of the board will:

- a. Avoid acquisition of unnecessary or duplicative goods and services;
- b. Use the most economical and efficient approach for acquisitions;
- c. Award acquisitions contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
- d. Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts;
- e. Maintain records sufficient to document the history of the procurement; and,
- f. Conduct procurement transactions in a manner that provides full and open competition.

Procurement transactions for federal programs and child nutrition programs that are not subject to the state procurement laws but exceed the aggregate amount of the federal micro-purchase threshold, will be obtained by utilizing price or rate quotes from two or more qualified sources. State procurement laws include requirements that comply with the other Uniform Administrative Requirements for procurement of property and services.

The board will request proposals for those professional service contracts (excluding architectural and engineering services) that are exempt under state procurement laws, if the contracts exceed \$250,000 and will be paid from federal or child nutrition program funds. The board will utilize a team of three or more qualified individuals to conduct a technical evaluation of proposals received and for selecting recipients. As a part of the evaluation, the individuals on the evaluation team will sign an assurance that each of the individuals is in compliance with the board's conflict of interest policy.

3.11. 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. Purchase of insurance will be made on the basis of coverage and services offered by the insurer or self-insured program, the reliability and financial stability of the insurer or self-insured program, and the value of the coverage as determined by receipt of at least three quotes, if reasonably possible.

The Board will seek to maintain coverage for the full value of all property for which it holds title, including but not limited to buildings and contents. The Board will also seek errors and omissions coverage, automobile liability coverage, and other liability coverage deemed appropriate for the protection of the District, the Superintendent and Board members, and to the extent necessary to insure that other Board employees are covered under the Alabama Educator's Liability Trust Fund.

3.12. *Employee Compensation*

3.12.1. Salaries and Pay Rates. Except as established and governed by the terms of a special employment contract, Board employees will be compensated at salaries or hourly rates of pay on salary and hourly wage schedules approved by the Board; provided that the salary schedule for certified staff is no less than 100 percent of the State Minimum Salary Schedule. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding. See Policy 5.5 and related procedures.

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

3.12.2. Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months, regardless of the contract term. However, employees in the first year of employment with the Board may opt to be paid over thirteen (13) months if they have never been employed by another system. 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.

3.12.3. Salary Deductions – Mandatory salary 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 will 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 that have at least twenty (20) Board employees as members if the organization timely has provided to the Board all certifications and expenditure reports required by law. Determination of whether the organization meets the required membership threshold will be made by examination of membership lists provided to the Board by the organization. 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. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee's final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

3.12.4. Fiscal Procedures. The Chief School Financial Officer shall prepare fiscal procedures consistent with the requirements of Board policy, subject to approval of the Superintendent.

3.12.5. Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay an hourly rate of no less than the federal required minimum hourly wage or the minimum hourly rate required by state law, as well as earned 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 receive compensatory time. 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. Employees working overtime without permission may be subject to disciplinary action.

3.13. *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 set out in District Financial Procedures.

3.14. *Fees, Payments, Rentals, and Charges*

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

3.14.2. Copying and Other Charges – The Superintendent is authorized to establish a schedule of reasonable charges which, upon approval by the Board, will be applied uniformly in response to requests for copies of documents and records. Said fees must, at minimum, cover LCS out of pocket expenses. 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.

3.14.3. Food Service Charges – All enrolled students in Lee County Schools may charge for future payment the cost of a reimbursable meal from the school cafeteria, in accordance with any procedures that may be developed by the Superintendent or

Child Nutrition Coordinator. No student will be denied a meal based on their student meal account balance. Any charged meals will be debited to the student's meal account for later payment.

These procedures will limit the number of charges, and will be distributed to Local School Administrators, Parents/Guardians and other staff to review at the start of each school year. Adult charges are not allowed.

Uncollected charged meals are not an allowable expenditure for the Child Nutrition Fund.

Each school must also maintain documentation to reflect the status of charged meals and the transfer of non-public funds to the school Child Nutrition Program should charges remain uncollected.

The CSFO will review and approve all non-public fund transfers to cover outstanding debt.

- 3.14.4. Documentation of Charged Meals and Approval of Non-public fund transfer. Each school must also maintain documentation to reflect the status of charged meals and the transfer of non-public funds by the principal to the school Child Nutrition Program should charges remain uncollected by year end.

The CSFO will review and approve all non-public fund transfers to cover outstanding debt.

- 3.14.5. Worthless Checks – Non-sufficient fund checks or account closed checks used for meal or school payments will automatically be sent to a collection agency by the bank used by the Lee County Board of Education. Lee County Schools may apply fees for uncollected checks. The fees collected for return checks may be used for related expenses and recovery of uncollected checks by Lee County Schools or by a contracted agreement with a check collection agency.

Public funds may not be used to cover any insufficient checks for the Child Nutrition Program.

3.15. *Authority to Execute Contracts*

- 3.15.1. General Authority – The Superintendent is authorized to execute contracts on behalf of the Board as its chief executive officer upon approval of the contract by the Board.
- 3.15.2. Limitation on Authority to Bind the Board – Principals and other administrators will have authority to enter into agreements with third parties only with authorization from the Board.

3.16. *Child Nutrition Procurements*

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

[Reference: ALA. ADMIN. CODE 290-8-3-.01, et seq.]

3.17. *School Accounts*

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the Local School Finance Manual, and such additional 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. Principals shall not permit the school, a school-sponsored organization, or a school-related organization to incur debt on behalf of the school.

3.18. *Affiliated Organizations*

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

3.18.2. 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.

3.18.3. Extracurricular Camps, Tournaments, and Jamborees – Extracurricular camps, tournaments and jamborees and other similar activities for academic and athletic programs in affiliation with any Lee County School are permitted to operate or raise funds only in conformity with procedures and standards developed by the Superintendent. 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.

3.18.4. Prizes and Awards. To the extent consistent with Alabama law, Board funds may be expended for the purchase of certificates, trophies, plaques, academic banquets and other appropriate means of recognizing academic and athletic achievement by students, and professional achievement, accomplishment and career milestones by administrators, faculty and staff with the objective of strengthening public education and Lee County Schools. Non-public organizations may give unsolicited prizes and awards of de minimis value to students and employees for any reason deemed appropriate and approved by the sponsoring organization. Board employees should consult with the Human Resources Department before accepting any such award to the extent there is any question about whether the award is in compliance with the Alabama Ethics Law and Board policies and procedures.

3.19. *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.
- f. The activity complies with applicable state laws and regulations.

3.20. *Employee Fundraising and Crowdfunding*

Any property, money, or other resources that are obtained by a Board employee through grants, fundraising, online giving, or like means in the name of or for the benefit of the school system or its students becomes the property of the school system and are subject to board policies and procedures governing board property and resources. The Superintendent is authorized to develop procedures governing the approval and administration of any outside fundraising or crowdfunding activities.

3.21. *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 Local School Finance Manual and for the purposes authorized by statute and corresponding state regulations.

[Reference: ALA. CODE §16-1-8.1(b)(7) (1975)]

3.22. *Accountability Reports*

The Superintendent shall prepare for approval of the Board an Annual Accountability Report for each Lee County school and vocational/technical center. This report shall include at a minimum the following:

- a. A Funding and Expenditure Report which shall include annual budgets and financial statements and any other document which may be necessary to assess the financial stability of the Board;
- b. A Student Achievement Report which shall include a comparison of the immediately previous school year with previous years regarding student performance on testing required by the State Board of Education, dropout rates, attendance rates, graduation rates, and any other data deemed necessary by the Board or State Board of Education to inform the public about student achievement in each school.
- c. A School Safety and Discipline Report which shall include statistical information relating to student safety and discipline in each school and any other data deemed necessary by the Board of Education to inform the public about safety and discipline in each school.

These reports shall be released to the media, presented to parent organizations, members of the Legislature who represent the area in which a particular school is located and to the State Superintendent of Education by December 31 of each year.

4. General Administration

4.1. *Safety and Security/Access to Schools.*

The Superintendent shall develop and implement a safety and security program for Lee County Schools which meets the standards required by the Alabama State Department of Education.

- 4.1.1. Security Measures Authorized. The Superintendent, principals, and facility administrators are authorized to take reasonable and lawful measures to protect against personal injury, trespass, vandalism, theft, and like threats to personal safety, property damage, and financial loss to or on Board property or at school functions and activities. The Superintendent should be made aware of any extraordinary or special measures that may be proposed in anticipation of or in response to any unusual security threat or risk (e.g., unusual surveillance, assignment of additional security personnel). Employees should cooperate with law enforcement, SROs, and local safety officials to collectively provide and maintain safe conditions for students, including reporting, removing, and/or eliminating identified hazards or security breaches within school facilities or at school functions or activities.
- 4.1.2. Inspections. Employees designated to perform inspections at each school or school property should periodically inspect, monitor, and correct hazardous conditions, defects, or malfunctions on or in school property and school life safety systems or facilities. Written reports of all safety inspections should be timely submitted to the Superintendent.
- 4.1.3. Emergency Drills. At least one (1) fire drill shall be held in each school during each month when school is in session, including complete evacuation of the building. Weather drills shall be held at least once each semester in each school. Lock-down drills will also be conducted periodically, in accordance with the District's Safety and Security Plan. Each school shall submit a copy of a report of each emergency drill to the Superintendent.
- 4.1.4. Access Restrictions Authorized. The Superintendent, principals, and facility administrators ("school officials") are authorized to regulate and restrict access to Board schools, buildings, and facilities in order to maintain appropriate security, minimize disruption and distraction within the learning environment, or to avoid a potential risk of harm to a student or employee. To that end, the Superintendent, principals, and facility administrators are authorized to implement building-level requirements and procedures governing access to Board owned or controlled buildings, grounds, property, events, and activities by school and non-school personnel, including family members and relatives, vendors, attorneys, and other visitors, and to adopt "check-in" and "check-out" requirements and procedures for students and employees.

Visitors, including volunteers, must observe appropriate decorum and respect administrative requirements and restrictions regarding their activities and interaction with faculty, staff, and students while on Board property. The Superintendent is authorized to promulgate appropriate procedures and regulations relating to service of volunteers in schools, to be implemented by the local school administration. School officials are authorized to revoke permission to be on school property to noncompliant visitors; to limit, condition, or prohibit their future access to school property to ensure safety and order; and to enlist the assistance of law enforcement agencies if necessary to accomplish these objectives.

- 4.1.5. Duty of Sex Offender to Notify School of Presence. This policy is implemented pursuant to the provisions of Ala. Code § 15-20A-17. In accordance with that section, any adult sex offender, after having been convicted of a sex offense involving a minor, shall not enter onto school property or attend any K-12 school activity without: (1) notifying the principal or the principal’s designee that he or she intends to enter onto the premises for a legitimate purpose, which purpose shall be communicated to the principal or the principal’s designee; and (2) immediately reporting to the school principal or the principal’s designee upon entering the school property or arriving at the K-12 school activity.

Nothing in this policy shall be construed as imposing an affirmative duty on the school principal; the principal’s designee; any member of the school board, staff, faculty, or any other agent, representative, or other associated party of the school board to investigate or determine the sex offender status of any individual prior to, or upon, that individual’s entering on school property or arriving at a K-12 school activity.

- 4.1.6. Sanitation. Each principal or work site supervisor, or designee shall be responsible for maintaining satisfactory sanitation and housekeeping at the Board property under their supervision.

[Reference: Ala. Code § 15-20A-17 (1975)]

4.2. ***Safe Schools Policy***

- 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 while attending any Board sponsored or sanctioned event, program, activity, or function is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921.

a. *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 minimum of one calendar

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 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 (20 U.S.C. §922(q))

4.2.2. Prohibition on the Possession of Weapons. The possession of a deadly weapon or dangerous instrument in a school building, on school grounds, on school property, on school buses, or while attending any Board sponsored or sanctioned event, program, activity, or function 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 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 while attending any Board sponsored or sanctioned event, program, activity, or function 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 county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

4.2.4. Tobacco/Electronic Cigarettes. The use of tobacco products and the illegal possession, distribution, and sale of tobacco products in a school building, on school grounds, on Board property, on school buses, or while attending any Board sponsored or sanctioned event, program, activity, or function is prohibited. These prohibitions include (1) smokeless tobacco products and (2) electronic cigarettes, vape pens, hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.

- a. Penalties for Violations
 1. *Students.* Students who violate the tobacco prohibition will be disciplined in accordance with the Board's Code of Student Conduct.
 2. *Employees.* Employees who violate the tobacco prohibition will be subject to adverse personnel action, which may include termination.

3. *Other Persons.* Other persons who violate the tobacco prohibition may be denied re-entry to school property.
- b. *Parental Notification.* Parents and guardians may be notified of actual or suspect violations of the tobacco prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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

- 4.2.5. Searches. Law enforcement agencies are permitted to make periodic visits to all schools to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Superintendent or designee 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 in a school building, on school grounds, on Board property, on school buses, 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).]

- 4.2.8. Alabama Unsafe School Choice Option

- a. A student who becomes a victim of a violent criminal offense committed on school property will be given an opportunity to transfer to a safe public school within the Lee County School System pursuant to procedures for notice and transfer adopted by the Superintendent.
- b. If a Lee County School has been determined by the Alabama State Department of Education (ALSDE) to be persistently dangerous because it meets ALSDE criteria for designation of the school as a Transfer Option School, the District shall follow the following remedial steps:

1. Notify parents/guardians of each student attending the school within ten (10) working days that it has been identified as a transfer option school and offer students the opportunity to transfer to a safe public school within Lee County Schools if another school is available.
2. Complete the transfer for those students who opt to do so within 20 working days.
3. Develop a corrective action plan to be submitted to the SDE for approval within 20 working days of Lee County Schools' receipt of status of the school as a TOS.
4. Implement the corrective action plan.

The Superintendent shall promulgate procedures necessary to implement this policy consistent with ALSDE regulations.

[Reference: Ala. Admin. Code 290-3-0-.02)(e)]

4.3. *Accreditation*

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by any accreditation agency or organization from whom the District may seek 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. The Superintendent shall promulgate procedures for proper inspection of all school vehicles and for special use of school buses.

4.4.2. Incidental Use of Communication Devices. The foregoing restrictions will not be deemed to prohibit Board employees from using Board owned, leased, or furnished equipment or communication devices for limited use, subject to the following conditions and limitations:

- a. The nature, content, or subject matter of the use is not unlawful or otherwise in violation of Board policy;
- b. The nature and substance of the use is suitable for and appropriate to the public

school setting;

- c. The personal use of Board owned, leased, or provided equipment has so little value that accounting for it would be unreasonable or administratively impracticable.

The accommodations hereby authorized do not repeal or modify any restrictions, requirements, or limitations applicable to the use of computer, electronic, or communication equipment or devices that are established elsewhere in board policy, procedure, or regulation, and nothing herein shall be construed to establish any right or expectation of privacy or confidentiality in or relating to the personal use of board owned or furnished equipment or device. The authorization hereby conferred is a limited and conditional privilege that is granted for the convenience of employees. It is subject to revocation generally or in individual cases upon a showing or suspicion of its violation or abuse.

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

4.4.4. Renovations, Upgrade or New Construction of Board Facilities. Any work performed to renovate or upgrade Board facilities or to plan for and construct new facilities must be Board approved, notwithstanding the source of the labor or funds. Construction of new buildings and facilities on Board property must have the approval of the State Department of Education. All construction of new facilities or significant upgrades or renovation of existing facilities must be supervised in accordance with procedures established by the Superintendent.

4.5. *Child Nutrition Program*

The Lee County Board of Education shall provide nutritious and adequate meals to all students at a minimal cost. The school principal, in conjunction with the Child Nutrition Program Director, is responsible for ensuring the Child Nutrition Program is operated in compliance with federal, state and local laws and regulations as well as policies of the Board.

It is the objective of the Lee County School System that all students have the opportunity

to participate in the school lunch program. The Child Nutrition Program Director shall determine, in accordance with federal regulations, those students eligible for free or reduced price lunches.

The Lee County Board of Education Child Nutrition Program (CNP) lunchrooms shall incorporate food safety practices as outlined under Hazard and Critical Control Point (HACCP) guidelines. Standard Operating Procedures (SOPs) shall be developed for handling, storage, preparation, and serving of all foods.

Students are prohibited from bringing carbonated beverages and/or fast food items in their original containers into the school lunchrooms.

Lee County Schools serving students in grades PreK-12 shall participate in the Child Nutrition Program and shall serve meals according to meal patterns established by the United States Department of Agriculture. The principal is responsible for scheduling adequate lunch time for students between 10:30 a.m. and 1:30 p.m. each school day, subject to variations as may be approved by the Superintendent.

The Superintendent is instructed to develop all policies and procedures in compliance with state regulations.

4.6. *Naming Board Facilities*

Any naming of a school facility or property under the control of the Board must be Board approved.

4.7. *Complaints and Grievances*

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

4.7.2. Limitations Regarding Availability and Application of General Complaint/Grievance Policy. The general complaint/grievance policy and any procedures adopted thereunder do not apply to complaints from non-employees or 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 state law “due

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

- 4.7.3. Student Complaints and Grievances. Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students with respect to academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.7.4. Student Disciplinary Matters. The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct. Additional procedures may be promulgated by the Superintendent as deemed necessary to assure that due process rights of students are properly observed.
- 4.7.5. Americans with Disabilities Act Complaints. The Board does not discriminate on the basis of disability in the provision of services, activities, programs, or benefits covered by Title II of the Americans with Disabilities Act (“ADA”). The Superintendent or designee is authorized to develop an ADA complaint procedure for implementation of this policy. Persons who believe that they have been discriminated against on the basis of disability in the provision of services, activities, programs, or benefits covered by the ADA should file a complaint pursuant to the Board’s ADA complaint procedure.

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

4.8. ***Title IX***

4.8.1. Policy Objective

a. Statement of the Law

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.

b. The Board’s Expectations

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:

- i. Provide supportive services and resources to impacted students and employees;
- ii. Conduct a thorough and impartial investigation;
- iii. Communicate regularly with those involved in writing throughout the process; and
- iv. 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.

4.8.2. Title IX Staff. The Board authorizes and directs the Superintendent to designate staff to fulfill the following Title IX responsibilities:

a. Title IX Coordinator

A District Title IX Coordinator to oversee implementation and enforcement of this Policy and compliance with applicable procedures, rules, and regulations. The Title IX Coordinator will receive complaints of prohibited conduct, assign an Investigator for each complaint, arrange and coordinate

investigations, and ensure adequate training of staff who are designated Title IX responsibilities. Reports, questions, or concerns regarding Title IX and potential instances of prohibited conduct may be directed to the Title IX Coordinator. Contact information for the Title IX Coordinator will be maintained 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

Impartial Title IX Investigators, trained by the Title IX Coordinator to collect and review evidence, including witness statements, and prepare an investigative report. 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

A panel of Board employees designated as the Board's Title IX Council will review investigative reports from Title IX investigators and make responsibility determinations. Each member of the Title IX Council will receive training provided by the Title IX Coordinator or an outside vendor arranged by the Title IX Coordinator. While the council may consist of several employees, upon reaching a decision, the council only **one** of its members to render a decision in each case.

4.8.3. Scope of Policy. Title IX prohibits sex-based discrimination, including sexual harassment, whether against students or employees. Note that misconduct falling outside the scope of this policy may nonetheless violate other Board policies (such as Section 5.15 or 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, exercises 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.

4.8.4. 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. Students who violate this Policy will receive disciplinary consequences according to the student code of conduct. Any employee who violates the terms of this policy or who impedes or unreasonably refuses to cooperate with a Board investigation regarding allegations of sexual harassment will be subject to appropriate disciplinary action, up to and including termination. The below 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 shares 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.

4.8.5. 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.

- 4.8.6. 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.
- 4.8.7. "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 any 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.
- 4.8.8. 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.

- 4.8.9. 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.

- 4.8.10. 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.

4.9. *Opening and Closing of Schools*

- 4.9.1. Normal Opening and Closing Times. The time set for the official opening of schools is fifteen (15) minutes prior to the time students are to report to homeroom/first class and closing of schools shall be fifteen (15) minutes after the last class period each day. Between these times and throughout the school day, school personnel will be on duty and available to supervise students. School personnel are not expected to assume responsibility for students whose parents permit their child(ren) to arrive at school before the time noted above and/or to remain at school after the time noted above. The Superintendent shall be responsible for assuring that principals and appropriate school personnel publish and implement local school procedures for assuring that parents fulfill their responsibilities to timely deliver students to school in the morning and timely pick them up at the end of the school day and after school sponsored events.
- 4.9.2. Authority of Superintendent to Close Schools Based on Emergencies. 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).
- 4.9.3. Make-Up Dates. To the extent not provided for in the school calendar, any days lost by reasons of an emergency closing will be made up and a revised school calendar approved, if necessary, to reflect any extension or adjustment of the school year required by such action, unless approval to waive the days is obtained in accordance with state law.
- 4.9.4. Ceremonies and Observances. The flags of the United States of America and the State of Alabama shall be displayed at some suitable place on each school campus

each day school is in session. All students will be given a voluntary opportunity to recite the Pledge of Allegiance to the United States flag each school day. Additionally, in each classroom, the classroom teacher shall conduct a brief period of quiet reflection for sixty (60) seconds at the opening of the school day.

[Reference: ALA. CODE §§16-1-20.4, 16-8-8 (1975)]

4.10. *Employee and Student Acceptable Use of Technology and Related Resources*

4.10.1. General. To facilitate achieving a quality education for its students, it is the policy of the Board to provide all students and employees with opportunities to access a variety of technological resources to fully prepare students for life beyond the K-12 educational environment. A large and varied technological environment requires that technology use by employees and students be legal, ethical and safe. Technology use must be consistent with the educational vision, mission, and goals of the Board.

- a. The Board employs a Director of Technology (DoT) to provide technology support at the school system and school levels and designates a Technology Assistant at each school.
 1. The Board employs Instructional Technology Specialists to ensure the faculty are using the technological resources in a way that is consistent and appropriate to the educational vision, mission, and goals of the Board.
- b. School computers, networks, e-mail, and internet access are provided to support the educational mission of the Lee County School System and are to be used primarily for school-related purposes. Personal use of school computers must not interfere with the employee's job performance or student's academic performance; must not violate any of the rules contained in Board policy, procedures, or other like directives; and must not damage the school's hardware, software, or communications systems.
- c. Community use of wireless internet resources may be permitted through the district's guest wireless network providing that the use does not violate any applicable laws or board policies, procedures, and like directives and does not affect the educational environment. The Lee County Board of Education reserves the right to suspend community use at any time without notice.
- d. The term "system" for purposes of this policy may mean the totality of resources serving the central office and schools, the totality of resources within a school, or the totality of resources accessible by a given workstation or application.

4.10.2. Policy Rules. The goal of using the school's computers, local area network, the system's wide area network, and the internet is to bring available educational

resources to both students and staff and to facilitate diversity and personal growth in technology, information gathering skills, and communication. Providing these resources is intended to promote educational excellence by linking individuals and classrooms to global resources to facilitate resource sharing, innovations, and communications. These rules establish usage appropriate for an educational setting and require users to act responsibly and accountably.

4.10.3. Copyright Law. It is the obligation and intent of the Board to comply with the copyright laws of the United States. Board employees and students shall use technology resources in accordance with Board policies and procedures, as well as local, state, and federal laws and guidelines governing the use of technology and its component parts.

- a. Individuals are responsible for keeping unauthorized, copyrighted software of any kind from entering the local area network or wide area network via the internet or other means. This includes the loading, copying, or downloading of any programs, games, electronic media, etc.
- b. If a single copy of a software package is purchased, it may only be used on one computer at a time. Multiple loading or “loading the contents of one disk on multiple computers” (1987 Statement on Software Copyright) is not allowed.
- c. If more than one copy of a software package is needed, a site license, lab pack, or network version will be purchased. DoT will work with appropriate district personnel to determine how many copies will be purchased for the location.
- d. The DoT is authorized to sign license agreements for a school within the district or the district itself.
- e. Employees may be held personally liable for any actions that violate copyright laws.

4.10.4. Network Accounts. Network user accounts are provided to faculty, staff, and students. These accounts are utilized to provide access to district resources. Wherever possible, the district synchronizes these accounts with third party systems to allow easier access for our faculty and students.

- a. All staff may receive network accounts after Board approval of the personnel action or upon the first day of employment if requested by the principal or supervisor in writing to the DoT. For requested accounts, the principal/supervisor will be responsible for notifying the DoT if employment is not approved by the Board.
- b. Network accounts for contract or temporary employees may be requested in writing to the DoT by the principal or supervisor. Requests must be accompanied by a copy of the contract and description of duties. For requested accounts, the principal/supervisor will be responsible for notifying the DoT if

employment ends prior to the expiration of the contract period.

- c. Student network accounts are generated based on pertinent information pulled from the District's student information system.
- d. The DoT may provide temporary or special use accounts at his/her discretion provided that they do not violate any applicable law or board policy.
- e. Network accounts should never be shared with other users, or outside organizations. Doing so is a direct violation of this policy. If an account has been compromised, it should be reported to the technology department immediately.
- f. Network accounts may be disabled or otherwise restricted for disciplinary or other reasons at the request of the applicable principal or supervisor or at the discretion of the DoT, Superintendent, or his designee.
- g. When an employee user is terminated or separates employment, or a student user is unenrolled from Lee County Schools, the access to systems and applications shall be immediately terminated unless continued access is approved in writing by the Lee County Schools Superintendent and the DoT. Employee User's work records and data and Student User's data and records stored locally or on Board servers shall be preserved for 30 days unless longer retention is required by pending or threatened litigation or applicable records retention policies. Access to stored data must be requested in writing and approved by the Lee County Schools Superintendent and the DoT.

4.10.5. Data Networks. The Lee County School System provides multiple data networks for the use of the faculty, staff, and students for the purpose of meeting the educational vision, mission, and goals of the Board. Use of the data networks may be suspended or revoked as deemed necessary by the DoT, Superintendent, or his designee.

- a. Users may utilize only those computers and devices approved by the LCS Technology Department on the wired district network or the internal wireless network and are prohibited from connecting any device to the physical network or network equipment without the knowledge and consent of the DoT.
- b. Personally owned cellular devices may only be connected to the provided guest wireless network.

4.10.6. Privacy. 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. Authorized 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. The Board reserves the absolute right to access and monitor all messages and files on Board equipment. Employees and students shall have no expectation of privacy with regard to such data. Spam or obscene e-mail that bypasses the school system filtering should be reported to the DoT.

4.10.7. Data Governance. 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 for employees) and other legal action.

4.10.8. Rules of Behavior on System Networks or Equipment. Employees and students are responsible for their behavior on school computer networks just as they are in other aspects of their jobs. Employees and students who misuse the school system's technology may be subject to denial of computer usage, monetary charges, and/or other disciplinary action. Violation of civil and/or criminal law relating to technology and its use may result in the notification of law enforcement officials. Specific guidelines include those below.

- a. Employees and students may not access, transmit, or retransmit material which promotes violence or advocates destruction of property including, but not limited to, access to information concerning the manufacture of destructive devices such as explosives, fireworks, smoke bombs, incendiary devices, etc.
- b. It is forbidden to advocate or promote violence or hatred against a particular individual or groups of individuals or advocate or promote the superiority of one racial, ethnic, or religious group over another. Production or dissemination of hate mail, obscenity, harassment, inflammatory material, chain letters, discriminatory remarks, disrespectful language, and other behaviors disruptive to the educational environment are prohibited on District resources. This includes, but is not limited to:
 - i. Harassing, threatening, insulting, bullying or attacking

others.

- ii. Using the system network to create dissension or conflict.
- c. The LCS network may not be used to access, transmit, or retransmit any information containing pornographic or other sexually oriented material or language (pornographic means pictures or writings intended to stimulate erotic feelings by the description or portrayal of sexual activity or the nude form). Accessing, transmitting, or retransmitting may include but may not be limited to:
 - i. Viewing pornography on the computer.
 - ii. Conducting sexually explicit discussions with internet partners at any time of the day.
 - iii. Sending, displaying, viewing, or downloading offensive messages, pictures or movies.
 - iv. Using obscene or profane language.
- d. Individuals may not use technology for illegal activities including gambling, plagiarism of materials found on the internet and creating of illegal materials such as counterfeit money, fake identification, etc.
- e. Users may not purchase or install software or other digital media to be used on system networks and/or individual workstations within the system without express written permission of the DoT. For purposes of this policy, “install” is defined as copying software of any kind in any form, downloading software from the internet, and/or loading software from any external source, including personal copies, onto an individual computer, a network directory, or mapped drive.
- f. It is forbidden to use or possess bootleg software (bootleg software means any software which has been downloaded or is otherwise in the user’s possession without the appropriate registration of the software including the payment of any fees owed to the owner of the software). Illegal, unauthorized, or unlicensed copies of software must not be used on school system equipment.
- g. Users may not commit or attempt to commit any willful act involving the use of the network which disrupts the operation of the network or compromises its security within the school district or any network connected to the internet including the use or attempted use or possession of computer viruses.
- h. Individuals shall not transmit personal and confidential information concerning students or others to those not authorized to receive such information. Care must be taken to protect against negligent disclosure of such information.

- i. It is forbidden to use passwords improperly or negligently or for employees to use or modify another's passwords. No message should be transmitted without the sender's identity. Transmittal of messages with anonymous or fictitious names is prohibited. Accounts are to be used only by the authorized/registered user and for the intended purposes of the account.
- j. District computers may not be moved off campus unless authorized by the administrator and DoT.
- k. District devices assigned to employees may be taken off campus upon completion of a Faculty Device Contract.
- l. Individuals may not advertise and solicit on the school network or offer or provide products or services on system networks. District internet and e-mail accounts may not be used for commercial purposes or personal or political gain.
- m. Users shall not intentionally modify files, other data, or passwords belonging to other users. Users shall not misrepresent other users on the internet.
- n. Individuals are responsible for any hardware and/or software damage to the computers or the network caused by inappropriate behavior while using the system. These include, but are not limited to: tampering with the equipment, altering programs and/or files, installing programs without authorization, or reconfiguring any part of a computer.

4.10.9. System Integrity and Control. To assure the integrity and control of system resources and capability, the DoT, Technology Department Staff and Media Specialists will be the only persons authorized to access original software disks at a given school location.

- a. To assure compliance with copyright and licensing requirements, only members of the District Technology Department may install software to be used on system networks and/or individual workstations within the system. Staff should contact technology for assistance with software installation. For purposes of this policy, "install" is defined as copying software of any kind in any form, downloading software from the Internet, and/or loading software from any external source, including personal copies, onto an individual computer, a network directory, or mapped drive.
- b. Individuals are not authorized to make copies of any software or data without the knowledge and permission of the DoT. Any questions about copyright provisions should be directed to the DoT. Illegal, unauthorized, or unlicensed copies of software must not be used on school system equipment. Any copies will be subject to the district's data governance policy and procedures.
- c. District owned software cannot be installed on personal devices unless

specifically allowed by the software's licensing agreement.

4.10.10. Application of Policy

- a. All Board technology resources, regardless of purchase date, location, or fund sources (including donations), are subject to this policy.
- b. Employees who misuse the school system's technology may be subject to denial of computer usage, monetary charges, reprimands, and/or loss of employment.
- c. Students who misuse the school system's technology may be subject to denial of computer usage, monetary charges, and/or other disciplinary action.
- d. The Superintendent or his designee will prepare procedures for implementing this policy at the system and school levels.
- e. The administration at each school will be responsible for reviewing these policies at the beginning of each year with their faculty and staff and with individual employees who are hired after the initial review. The administration must have faculty and staff members sign a technology use agreement acknowledging their knowledge and awareness of this policy and its requirements. The administration is encouraged to have a separate review of copyright law each school year.
- f. The legal and ethical practices and responsibilities of appropriate use of technology resources will be taught to all students in the system during lab orientation, by homeroom teacher, media specialist, etc.
- g. Individuals are expected to report any violations of this policy and/or problems with the security of any technology resources to the Principal, Technology Assistants, and/or DoT.
- h. Any questions about this policy, its interpretation, or specific circumstances shall be directed to the DoT.

4.10.11. Disclaimer of Liability. The Board makes no warranties of any kind; either expressed 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.

4.10.12. Electronic Mail. Electronic e-mail is available for the support of educational, instructional, extracurricular, and administrative activity. With that purpose in mind, e-mail accounts are available to employees and students according to the following guidelines:

- a. Staff will receive e-mail accounts when their network accounts are created.
 - b. Students receiving e-mail accounts must use these accounts for instructional purposes only and, while at school, should only use mail accounts provided by the District when using the school system's network or school-owned technology devices.
 - c. All staff and student e-mail accounts are subject to monitoring and acceptable use policies.
 - d. The Board cannot guarantee the privacy, security, or confidentiality of any information sent or received via electronic mail. The Board will use a filtering device to screen e-mail for spam and inappropriate content.
 - e. District email and other electronic communications are subject to long term logging and/or archiving as deemed appropriate by the Superintendent and DoT.
- 4.10.13. Internet. The intent of the Board is to provide access to resources available via the internet with the understanding that faculty, staff, and students will access and use only information that is appropriate, beneficial, and/or required for various curricular or extracurricular activities or staff duties. Teachers will screen resources that will be used in the classroom for instructional content prior to their introduction. Board policies and procedures shall apply to use of the internet.
- a. Internet access is provided to allow students, faculty, and staff to conduct research and access resources. Users gaining access to the internet agree to conduct themselves in a considerate and responsible manner. By signing the Code of Student Conduct and the Student/Parent Device Agreement Form for each student in the household, legal custodians/parents provide written permission for their child to have access to the internet and network resources.
 - b. The Board provides technology protection measures that include blocking or filtering internet access to visual depictions and text that are obscene, pornographic, or harmful to minors. These measures cannot be considered 100% effective. Teachers must preview websites being used for instructional purposes and observe students using the internet. Teachers are responsible for monitoring and overseeing student use of computers and online resources in accordance with this Acceptable Use Policy, and for educating students about digital safety and ethics as well as integrating into their teaching the Technology Course of Study. If a student encounters inappropriate content online, they are to immediately close the browser and report the incident to the teacher. Sites that are deemed inappropriate or a disruption of the learning atmosphere should be reported to the DoT. Teachers may request blocked sites be opened which they feel are appropriate and needed for instruction by contacting the Technology Department.

- c. Sites found to disrupt the learning atmosphere by consuming excessive internet bandwidth may be blocked or otherwise limited at any time without notice.
- d. Network users are prohibited from accessing external networks or alternate internet service providers while within the Lee County Schools' internal network unless expressly authorized by the Superintendent or Superintendent's designee and properly protected by a firewall, other appropriate security device(s), and appropriate filtering software. This prohibition includes, but is not limited to, VPN or other technologies that attempt to bypass district filters/security, cellular "hot spots," cellular data plans, etc. The Superintendent will establish and implement procedures to provide remote access to Lee County Schools' corporate network, provided that those procedures are not inconsistent with this policy,
- e. All school rules and guidelines for appropriate technology use shall apply to use of the internet. Because communications on the Internet are often public in nature, all users must engage in appropriate and responsible communications with particular regard to avoiding disruption of the educational environment.
- f. Employees and students should be aware that posting of personal information of any kind about themselves or others is prohibited. Personal information includes home addresses, work addresses, home phone numbers, social security numbers, etc.
- g. Management of safe, ethical, responsible and acceptable use of artificial intelligence ("AI") tools and applications in the public school setting is vitally important. Use of all such AI tools and applications shall be subject to this policy and to such additional regulation and procedures as may be adopted and implemented by the Superintendent, or designee, in furtherance of these policy objectives:
 1. Access to open AI software (*e.g.*, ChatGPT, etc.) by student email accounts and Board-owned devices shall be blocked due to data and security concerns, except as otherwise provided by policy or specific regulations or procedures promulgated by the Superintendent.
 2. Misuse of AI tools and applications, or use for hacking or altering data, is strictly prohibited.
 3. Teachers may allow the use of AI resources for curriculum purposes with access to specific websites granted on an as-needed basis, provided that such use adheres to specific data and privacy guidelines, and age appropriate use and restrictions.
 4. Additional restrictions and limitations may be imposed regarding the use of AI in connection with College Board or Dual Enrollment college and university classes.

5. Students who use AI with a personal device and/or personal credentials do so at their own risk with recognition that each AI platform may collect various forms of data.
6. Students who use AI in any form or capacity (whether in text, images, multimedia, or other data format) must appropriately and adequately acknowledge such use in any submitted school work impacted, influenced, enhanced, or otherwise affected by AI data or content. Failure to appropriately acknowledge the use of AI could subject students to discipline or other academic consequences under the Student Handbook.
7. All students should acknowledge that AI is not always factually accurate, may not be a credible source of information, and AI output may be influenced by biased or discriminatory motivation or based on disinformation. AI sources should always be checked against reliable sources of information for evidence to support claims and conclusions.

4.10.14. Information and Learning Management Systems

- a. The Superintendent shall develop, adopt, implement and maintain an integrated information management system for educational management. The Superintendent shall ensure compatibility exists with state information management systems and provide procedures and guidelines to ensure that adequate information management support needs are met.
- b. The Superintendent will develop, adopt, implement and maintain a safe and reliable method for students to upload and send assignment files to teachers.

4.10.15. Mass Electronic Notification Systems

- a. General. The Lee County Board of Education maintains mass electronic notification systems for the purpose of facilitating dissemination of educationally-related information to stakeholders. It is the hope of the Board that each school will use such systems for distributing emails and pertinent announcements to parents and guardians.
- b. Uses. The mass electronic notification system from Lee County Schools (LCS) will be used for educational and informational purposes only and in accordance with all Lee County policies and procedures. All submissions/postings to the program will be written and released by approved webmasters and/or administrators.
- c. Membership. Because mass electronic notification systems maintained by LCS are intended for informational purposes for stakeholders, information for membership will be distributed by each of the schools within the school system

and on the school system websites.

- d. Disclaimer. The Lee County Board of Education and its employees cannot be held responsible for postings through mass electronic notification systems including, but not limited to, acts of omission, accidental misinformation, or information that may come into the possession of unintended parties or individuals.

4.10.16. District Devices and Equipment. All purchases of technology-related devices and equipment for the district, regardless of funding source, must be coordinated through the technology department in order to ensure inventory integrity and safeguard network management, control, and compatibility. Only devices and equipment approved by the DoT may be purchased with district or donated funds. Any technology-related donations to the district must be coordinated through the DoT before being accepted. All LCS students will be given a device and a charger in Kindergarten, or upon successful enrollment in LCS, and the device will travel with the student from school to school until graduation, device refreshment, or withdrawal from LCS.

4.10.17. Personal Devices. Lee County Schools promotes a 1:1 Initiative. As such, a wireless network is provided for cellular devices and guest use only. School-issued devices will authenticate to the network automatically. All personal cellular devices and guest devices should utilize the guest wireless network.

4.10.18. Web Sites (District, School, and School-Sponsored Activities). The District provides a website platform used by all District entities to maintain consistency. Because District web sites are globally available and represent the community at large, webmasters are required to adhere to all acceptable use standards and present an appropriate and positive image.

4.11. *Political Activity*

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

- a. Neither the Board nor its employees may appropriate, use, or expend Board funds, property or resources in political campaigns or political activities, including advocacy in favor of or against statewide or local ballot measures. Notwithstanding the foregoing, however, providing an objective analysis or factual information on or related to a ballot measure, or informing the public of the consequences of failure of a tax measure is not prohibited.
- b. Employees may not engage in partisan political activities (including, but not limited to: the distribution or display of political signs, buttons, stickers, banners, or other campaign material) during regular school or duty hours, or at

Board-sponsored or sanctioned events, or functions, or at activities at which the employee is on duty, assigned official responsibilities. Notwithstanding the foregoing, however, this policy shall not be interpreted to prohibit an employee from supporting or opposing political candidates or advocating for or opposing statewide or local ballot measures in his or her capacity as a private citizen while not engaged in official duties, provided that the activities do not violate the Alabama Ethics Law.

- c. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials.
- d. In order to avoid disruption on school property, employees may not place large political signs, banners, or billboards on Board property, or in personal vehicles parked in Board parking lots.
- e. Candidates and representatives of candidates for political office may not be invited or allowed to address student groups except when (1) such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate; or (2) the candidate is a current public official invited to address student groups for non-campaign related purposes. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent.
- f. Political signs may not be placed on school board property.
- g. Political campaign literature and other material may not be distributed on Board property during the regular school or workday 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 disrupts the event, activity, or function.

4.12. *Animals in Public Schools*

The Lee County Board of Education recognizes the valuable use of animals for certain purposes related to public education, and with respect to service animals, the requirement to allow such animals in the service of Lee County students or adults with disabilities.

The Superintendent is authorized and directed to promulgate regulations regulating the use or presence of non-service animals in Lee County Schools.

The Board also 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 (ADA), 28 CFR Part 35, subject to the following policies not inconsistent with the ADA, as it may be

amended:

4.12.1. 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.

Depending on context, the term "service animal" may also include service dogs provided to serve as Resident Facility Intervention Dogs for a district school by organizations working in partnership with the Alabama State Department of Education and/or by agreement with the Board.

4.12.2. 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, or 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.

Resident Facility Intervention Dogs provided under an agreement between the District and a Service Dog provider shall be allowed in Lee County Schools in accordance with the terms of a written Agreement, consistent with the guidelines of the providing entity.

4.12.3. 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.
 - 1. 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.
 - 2. 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.
 - 3. 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.
 - 4. 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.

4.12.4. 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.

4.12.5. 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.

4.12.6. 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.

4.12.7. 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.

4.12.8. 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.

4.12.9. 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)]

4.13. *Intellectual Property*

4.13.1. Ownership of Works

The term “Works” as used herein shall be understood to include any literature, written materials, musical works, dramatic works, pantomimes, choreographic works, pictorial, graphic, and sculptural works, motion pictures, video recordings and other audio visual works, sound recordings, or architectural works, for example, and without limitation: drawings, graphic designs, video recordings, schematics, prototypes, work papers in connection therewith, works in progress, manuals, processes, computer programs (including source code and object code), methods, and any other creations in which copyright subsists, and which are:

- a. Created for the benefit of the school system;
- b. To be used, directly or indirectly, in the performance of the employee’s duties;
or
- c. Using school system equipment, facilities, or resources; and
- d. Whether or not created during regular school or duty hours, or during any school system events or functions.

Employee acknowledges that such Works are the exclusive property of the Board and hereby agrees to assign, and does assign, all right, title and interest in and to such Works to the Board. Any copyrightable work prepared in whole or in part by employee will be deemed “a work made for hire” under the United States Copyright Act, 17 U.S.C. 101, *et seq.*, and the Board shall own all rights comprised in the copyright therein. Employees shall promptly and fully disclose all such Works to the Board and shall cooperate with the Board to protect the Board’s interests in and rights to such Works. Employee expressly waives any claim to any “moral rights” that may attach to any such Works. In the event an Employee hires

an independent contractor to create Works, the agreement shall include the terms set forth in this Section.

In the event Employee authors a Work and desires to perform, publicly display, sublicense, publish, copy, or distribute a Work for his or her own benefit, Employee may obtain an exclusive license from the Board, the grant of such exclusive license shall not be unreasonably withheld; provided, however, Employee shall agree that any such license shall not preclude the Board from being able to publicly display, perform, copy, distribute such Work.

4.13.2. Third Party Works

In the event a Third Party creates a Work and submits such Work to a School for the School's use, benefit, public display, or publication, the Board shall retain exclusive ownership of such Works and advise applicable Third Parties of this policy. A "Third Party" as said term is used in this sub-section shall mean a party that is not an employee or an employee-hired independent contractor, a non-limiting example of which is a student or a parent.

4.14. *School Logo Use Policy*

School logos and mascots are property of the Board and shall be used only as authorized by the Board. In the event the Board authorizes the manufacture, sale, or distribution of merchandise displaying school logos or mascots, such merchandise shall display a superscript "TM" in proximity to all logos.

4.15. *Public Health Precautions and Infectious Disease Mitigation*

4.15.1. 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, procedures based on current guidance from local, state and or federal government and health officials. To the extent that the Superintendent determines that local circumstances warrant a departure from public health guidance and/or orders from local, state, or federal public health officials, he shall bring recommendations related to any such departure to the Board for consideration and approval.

4.15.2. 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 Lee

County Schools as long as the more restrictive procedures do not otherwise violate any law or regulation applicable to the Board.

4.15.3. 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 procedure. 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.

4.15.4. Posting of Procedures

All procedures developed pursuant to this policy will be made publicly available and will be posted, at a minimum, on the Board's website. To the extent practicable, the Superintendent may also include or these procedures within other Board information documents such as Student Handbooks or other information available to parents and citizens.

4.15.5. Communicable/Infectious Diseases or Conditions

Students and/or employees having communicable diseases and/or conditions, including students wishing to enroll or potential employees, will be addressed on an individual basis. Administrators and supervisors shall observe current regulations for the control of communicable diseases in Lee County Schools as established by state law; local ordinance; applicable proclamations, regulations, and orders issued by state and local health officers and public officials; or Board policy and procedures promulgated by the Superintendent pursuant to Board policy. The system's nurse(s) will maintain liaison with the State Board of Health and support the processing of identified cases. The Superintendent shall have the authority to exclude a student and/or an employee from attendance when reliable evidence confirms he/she has a communicable/infectious disease or condition that is known to be spread by any form of casual contact and is considered a health threat to the school population. Such a student or employee shall be excluded from

school for a period of time as may be prescribed by the local health department or physician. The Superintendent may require written documentation from health department officials and/or a physician to allow the student or employee to resume attendance.

4.16. *Use of Audio/Video Surveillance Cameras and Equipment and Metal Detectors on School Property*

4.16.1. Purpose and Scope

The purpose of this policy is to provide for the maintenance and operation of audio recording devices and video cameras in classrooms and other areas on all property owned by the Board as well as metal detectors when and where deemed necessary, to promote and ensure the health, safety, and well-being of students, school personnel, and authorized visitors. This policy does not affect or modify any other Board policies related to the use of audio equipment, video cameras, security cameras, or other technology.

4.16.2. Authorization

This policy provides general requirements and guidelines related to the operation of audio equipment and video cameras in classrooms as well as metal detectors. The Board authorizes the Superintendent to develop procedures, which shall be publicly posted, to supplement this policy and provide additional requirements and regulations related to the operation and maintenance of audio equipment and video cameras on Lee County Schools property and the use of metal detectors. Notices shall be posted in each school or other Lee County School property where cameras, audio surveillance equipment, and/or metal detectors are installed, to advise students, administrators, faculty and staff that they are subject to being videotaped with audio, or to use of metal detectors while on school property, at school events and in or on system owned/maintained vehicles.

4.16.3. Location and Operation of Security Cameras

Cameras may be placed in any or all classrooms operated by the Board and shall be equipped to record both video and audio. If funding is available or donated to do so, cameras shall be installed, maintained, and operated in self-contained classrooms to the extent necessary to assure compliance with Alabama Code §16-39-13, as amended by Ala. Act 2023-527, including placement in rooms attached to self-contained classrooms such as calm down rooms, sensory rooms, and common areas. As defined by law, self-contained classrooms shall mean any classroom in which at least fifty (50%) percent of assigned students receive any special education services. The cameras shall cover the entire classroom. However, the cameras shall not monitor the inside of bathrooms, showers, any other area where a student changes his or her clothes, or similar areas where there is a reasonable expectation of privacy shall not be visually monitored by cameras

installed or operated by the Board, except for incidental monitoring of a minor portion of a restroom or changing area because of the inherent layout of the classroom. The Board shall provide written notice of the placement of video cameras to each parent or legal guardian of a student assigned to a self-contained classroom where video cameras are installed.

4.16.4. Audio and Video Retention and Access

If the Superintendent or local school principal receives notice that recordings from any such camera are needed as part of any investigation, administrative proceeding, or legal proceeding, then the Board will retain the recording if available until the conclusion of any such investigation, administrative proceeding, or legal proceeding, including the exhaustion of all appeals. Once the retention period has expired, the video and audio recording may be deleted and made unretrievable.

Audio and video records made pursuant to this policy shall not be continuously monitored. Video and audio recordings made pursuant to this policy are not intended for use for teacher evaluations. However, the Board may consider recordings from cameras that are relevant to any investigation, administrative proceeding, or legal proceeding and in making appropriate determinations relating to students, staff, faculty, administrators, or visitors.

An audio and/or video recording of a student is confidential and shall not be released or viewed except as provided for by this Policy. The Board may allow recordings made pursuant to this policy to be viewed by:

- a. A Board employee or administrator who is charged with investigating any incident or matter of concern to the school;
- b. The parent of a student, and/or authorized legal counsel for a parent or student who is involved in an incident that is documented by the video recording and reported to the Superintendent or local school principal;
- c. A Board employee who is involved in an incident that is documented by the video recording;
- d. Where consistent with the Family Educational Rights and Privacy Act (FERPA) and Alabama law, a law enforcement officer, school nurse, district/school administrator, and/or human resources staff member in response to a report of an alleged incident;
- e. Legal counsel for the Board, the Superintendent, Assistant Superintendent, Director of Special Education, and any other Board employee designated by the Superintendent as necessary to review and investigate allegations of an incident or matter of concern to the school.
- f. An investigator retained by any of the listed individuals or the Board.

The Board shall take necessary precautions to conceal the identity of any student who appears in a video or audio recording who is not personally involved in the Incident, including, without limitation, blurring the face of any uninvolved student.

Importantly, the viewing of all video and audio recordings shall be consistent with FERPA and Alabama law. A contractor or Board employee performing job duties related to the installation, operation, or maintenance of video equipment who incidentally views a video recording is not in violation of this Policy.

4.16.5. Use of Metal Detectors. The Lee County Board of Education authorizes the use of handheld metal detectors by school system personnel for the safety and security of students, school personnel and authorized visitors; provided that personnel using such devices have been properly trained regarding the use, maintenance and storage of said equipment and applicable, laws, policies or procedures relating to conducting searches. The following guidelines will be applicable to the use of metal detectors:

- a. All metal detector searches shall be conducted by school board employees only.
- b. Any information obtained through the use of metal detectors will be used only for school disciplinary or law enforcement purposes.
- c. The metal detectors will be used by authorized personnel at any time there is reasonable suspicion that the student or other person being searched has violated or is violating a particular disciplinary rule or public law relating to the possession of weapons. Any search of a student's person as a result of activation of the detector will be conducted in accordance with the Board's policy on student searches (Policy 6.15).

4.17. *Public Relations*

4.17.1. Providing Relevant Information. It shall be the policy of Lee County Schools to keep citizens adequately informed through appropriate channels of communication on policies, programs, problems, needs, and the planning of the school system, to carry out this policy through its own efforts and through the office of the Superintendent, and to seek advice and opinion of the community.

4.17.2. Media Cooperation. Whenever reasonably possible, consistent with law and the privacy interests of students, faculty and staff, the Superintendent will cooperate to keep the public informed of all newsworthy events which would be of interest or concern to the citizens and which would promote the welfare of the school system, provided however, that any news release by a particular school be approved by the principal and Superintendent and that any release relating to the Lee County School System as a whole shall be approved by the Superintendent or designee.

4.17.3. Parental Permission. Media requests for interviews with minor students will be

denied unless parental permission is given.

4.17.4. Interviews During School Hours. All requests by media organizations for interviews with employees and/or students during school hours, if permitted, shall be coordinated through the Superintendent.

4.17.5. Public Records. Public Records maintained by the Board shall be made available to citizens of the State of Alabama in a manner consistent with state law. The Superintendent shall issue appropriate regulations relating to access to public records and the recovery of the reasonable costs of providing copies of public records, as appropriate.

4.18. *Advertising, Canvassing or Solicitation on School Property.*

Except as provided hereinbelow, Lee County School System facilities shall not be used for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency or individual organization; nor shall Lee County Board of Education employees or students be employed in such a manner while on school grounds. Advertising on school buses shall be prohibited. Notwithstanding this general policy, advertisement, subject to stated restrictions and limitations may be allowed in the circumstances stated hereinbelow:

- a. School officials, with the Superintendent's approval, may cooperate with any governmental agency in promoting activities in the general public's interest or may cooperate in furthering the work of any non-profit community-wide social service agency, provided that such cooperation does not restrict or interfere with the educational program of the school and is non-partisan and non-controversial.
- b. A school may use film or other educational materials which contain advertising. The film or material should be evaluated by the school principal for classroom use to determine whether the film or educational material is age-appropriate and consistent with the curriculum or educational objectives of the class or school.
- c. The Superintendent may announce or authorize to be announced any lecture or community activity of particular educational merit.
- d. Demonstrations of educational materials and equipment shall be permitted with the principal's approval.
- e. Schools may utilize facilities for commercial advertising to support school programs. The principal shall maintain approval rights on the content and form of such advertising. Money collected from these commercial advertisements shall be deposited into the proper internal account.
- f. Nothing herein shall be construed to prevent advertising in student publications

which are published by student organizations including, but not limited to: school newspapers, programs for performing arts or athletic events, and yearbooks, subject to approval rights of the Principal on the form and content of such advertising.

- g. If authorized by the Principal and Superintendent, commercial advertising may be sold to boosters or supporters of athletic or performing arts programs to be posted on a limited basis on or within fields, concert halls, auditoriums, etc, for a defined period, provided that all such commercial advertising shall be subject to review and approval of the Principal and is in compliance with applicable procedures established by the Superintendent.
- h. Canvassing or solicitation of teachers, students, or administrators on school premises is prohibited, unless expressly approved by the Superintendent for limited purposes related to educational objectives of the District. No literature, including surveys or other materials, from out-of-school sources shall be distributed to be sent home with students without the approval of the Superintendent or designee.

5. 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. The Superintendent shall prepare and maintain job descriptions to be submitted to and authorized by the Board for each position employed by the Board. Employees, in addition to any becoming familiar with and following specific job requirements as set out in their job description, are expected to meet the following general performance and service standards:

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- f. Employees must complete and submit any documentation and information required by the Superintendent, the District’s Human Resources Department or school or department administrators, as well as other assessments, evaluations, grades, lists, student records or reports, inventories, and all other documents expected or required of the employee, 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 an appropriate and professional relationship with students and shall not engage in conduct (including communication of any kind) that constitutes, solicits, or suggests sexual, romantic, or inappropriately familiar interaction with a student. As used herein, the term “Student” means any student with whom the employee has, has had,

or could prospectively have a professional, teaching, counseling, coaching, mentoring, advisory, supervisory, or working relationship. The term “Student” also includes any student who, by reason of his or her age, mental or physical condition, or other circumstances is practically or legally incapable of consenting to the relationship in question.

- i. 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.
- j. Employees are strictly prohibited from possessing, using, transferring, selling, or distributing alcoholic beverages while on the job or on school premises or off campus in connection with or affecting any school related activity.
- k. Employees are strictly prohibited from unauthorized manufacturing, possession, use, transfer, sale, or distribution of controlled substances or illicit drugs while on the job or on school premises or off campus in connection with or affecting any school related activity.
- l. Employees are required to abide by all applicable laws relating to reproduction of copyrighted material or use of copyright protected media and materials and may be subject to disciplinary action based on violations.
- m. Teachers and all classified employees shall be subject to the terms, requirements and obligations of the Students First Act and may be terminated or dismissed from employment in accordance with the terms of that Act. Employment of principals is subject to the Teacher Accountability Act and their employment shall be subject to the terms of their contracts and the provisions of that Act.

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

5.1.2. Special Requirements

- a. *Work Schedules (Teachers)* - Teacher’s schedules are determined by the principal. The minimum instructional workday for teachers is normally eight (8.00) hours, unless otherwise assigned by the Superintendent. Local school administrators shall normally be on duty at least 30 minutes before the commencement of the school day and 30 minutes after the end of the school day. Certified teachers are generally required to be on duty at least 15 minutes before and 15 minutes after the commencement and conclusion of the school day, in addition to the time necessary to complete expected and extra duties and assignments.
 - 1. Assignments and duties may extend beyond the instructional day

and may include off-campus functions, events, and activities; conferences and meetings; supervision of student arrival and departure; staff development; grading papers and examinations; and preparation for the following instructional day.

2. Extra duties related to the curriculum may be assigned, requested, or required, in support of accomplishing the overall educational objectives of the school or the system. Curriculum, as used herein, includes but is not limited to any school-sponsored activity (*e.g.*, staff or club meetings, school plays, athletic contests, scholastic team competitions, social events, etc.).
 3. Teachers generally will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day (hereafter referred to as a “planning period”).
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel. Full-time employees (including bus drivers) work twenty or more hours per week. Part-time employees shall work less than twenty hours per week. Temporary employees may be employed for up to 40 hours per week to fill temporary positions as determined by the Superintendent.
 - c. *Employee Use of System-Owned Vehicles* – Vehicles owned by the Lee County Board of Education are to be used exclusively for educational purposes and shall be subject to rules and procedures promulgated by the Superintendent regarding assignment of vehicles to specific personnel and to private use of those vehicles. Vehicles are intended for business use only, other than de minimis use incidental to business use, or for commuting by specific employees as may be authorized by the Superintendent. Rules of use by the Superintendent of the vehicle assigned to him shall be as set out in the Superintendent’s contract.
 - d. *Fitness for Duty Examinations.* The Superintendent may require physical, psychological, and/or psychiatric examinations of employees by a physician or counselor licensed in the State of Alabama when in the Superintendent’s judgment such an examination is relevant to the employee’s fitness for duty. Any such required examination will be conducted by a practitioner selected by the Superintendent or designee and shall be at the cost of the Board. The employee will be expected to authorize the practitioner to share the results of the examination with the Superintendent or his designee. Failure to comply with this policy may result in disciplinary action, including dismissal. Documentation of satisfactory medical examinations establishing that employees meet state health department requirements to prevent the spread of communicable diseases, may be required in appropriate circumstances.

- e. *Substitute Employees.* Compensation for substitute employees shall be established by the approved salary schedule as approved by the Lee County Board of Education. The Board is authorized to enter into agreements with staffing agencies to secure substitute employees.

5.1.3. Violation of Law, Regulations, Policy, Procedures or Alabama Educators Code of Conduct. All employees are expected to abide by all federal, state, and local laws, state regulations and board policy and procedures, and certified employees are expected to adhere to and comply with the standards of conduct set out in the Alabama Educators Code of Conduct. Violators of criminal statutes will be subject to referral for prosecution to the appropriate law enforcement agency. Employees in violation of any law, regulation, policy, procedure, and certified employees in violation of the Alabama Educators Code of Conduct shall be deemed to be in violation of this policy and may be subject to disciplinary action, to include dismissal.

5.1.4. Certification Requirements

- a. *Professional Certification* – In addition to requirements established by the State Board of Education and the pertinent job description, professional employees must hold a degree from an accredited college or university and hold a current, valid, and properly endorsed Alabama Educator’s Certificate, which will be maintained in the Superintendent’s office. A teacher who has completed the certification process but has not received the certificate may be employed on tentative or temporary compensation pending verification of certification from the State Department of Education. If a teacher earns a higher certificate that merits increased compensation under the approved salary schedule, any salary increase will become effective upon receipt of an official transcript from the conferring institution and documentation of the new certification from the Alabama State Department of Education.
- b. *Long-term Substitute Teachers* – Substitute teachers who hold a current valid Alabama Teacher’s Certificate that is on file in the Human Resources office and who serve as a substitute teacher for over ten (10) consecutive school days for the same permanent teacher will be paid the long-term substitute teacher rate, as indicated on the Lee County School’s salary schedule.
- c. *Substitute Teachers* – Substitute teachers, including long-term substitute teachers must, at a minimum, be at least 21 years old; possess a high school diploma and valid and current Alabama Substitute Teacher’s License or Alabama Teacher’s Certificate; and attend required substitute teacher training.
- d. *Instructional Aides* – Instructional Aides must, at a minimum, possess a high school diploma or its equivalent; a two-year diploma from a college or university (or the equivalent, 48 semester hours) or pass the Work Keys Assessment; and a certificate from the State Department of Education verifying

a “clear” status resulting from a background check.

- e. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: hold a valid commercial driver’s license; complete a minimum of twelve (12) hours of approved instruction in school bus driving; and satisfactorily complete a written examination driver’s performance test approved or administered by the State Department of Education of State Superintendent. A bus driver must also meet any requirements of the entity providing the Board’s automobile liability coverage.

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

5.2. Responsibilities During State Testing

- 5.2.1. Administrators, teachers, and other school personnel responsible for administering State-mandated standardized testing, currently Alabama Comprehensive Assessment Program (ACAP) testing, shall implement a School Test Security Plan in accordance with the Alabama State Department of Education Digital Device Policy, including the following responsibilities of school personnel:
 - a. Responsible school personnel shall collect and safely secure and store digital devices (including but not limited to laptops, smart phones, smart watches, fitness trackers, MP3 players, tablets, cameras, or other communication devices capable of capturing or relaying information) from students and school personnel before students enter the testing room. Additionally, classroom computers must be powered off during testing.
 - b. The possession of digital devices by school personnel participating in state testing is strictly prohibited during the administration of a test. The only permitted exception to this policy is for school personnel who have been pre-approved by the Building Test Coordinator or Principal to have a digital device that is necessary for the health and/or well-being of school personnel.
 - c. If school personnel are in possession of a digital device during the administration of a state test, the device may be confiscated, and, if the appropriate administrator determines that there is reasonable suspicion that the device was used to capture, record, share test information, or to facilitate cheating on the test, the device may be subject to search for information directly related to the state test being administered. Additionally, offending school personnel shall be dismissed from testing, and students’ tests may be invalidated in accordance with state policy. Violations of this policy may result in disciplinary action by the Board and by the Alabama State Department of Education (ALSDE), up to and including possible employment termination by the Board and certification by ALSDE.

5.3. *Hiring*

- 5.3.1. Application Procedures – Job applicants for all positions must file an application through the online application process adopted by the Alabama State Department of Education or designated by the Board. Applications must be completed in full. All information provided in the application must be truthful. Any misrepresentation of a material fact on an employment application may disqualify the applicant from consideration for the position and may subject an employee to adverse employment action, including termination.
- 5.3.2. Qualifications – Applicants must be of good moral character and meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must be twenty-one (21) years of age unless otherwise approved by the Superintendent. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.
- 5.3.3. Hiring Authority – The Board is responsible for making all final hiring decisions upon recommendation of the Superintendent (except for employment of the Superintendent and the CSFO which may be employed by the Board without requiring a recommendation of the Superintendent). No hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.
- 5.3.4. Temporary Short-term Contracts. Notwithstanding any other provision of this policy, the Superintendent, or his or her designee, is authorized to enter into short-term employment contracts, of no more than thirty (30) days duration, to temporarily fill positions which are vacant and for which an advertisement for filling the position has been posted, provided that:
 - a. the best interests of the district are served by having the vacancy filled immediately pending board action on filling the posted vacancy;
 - b. the amount to be paid under the temporary contract does not exceed the hourly rate or monthly salary of the position posted;
 - c. An acceptable report has been received from a background check on the person to be employed under a temporary contract, if the position is one for which a background check is required;
 - d. The position is not one which is a direct report to the Superintendent; and
 - e. The term of the contract shall end on the earlier of thirty (30) days from its effective date, or the effective date the date of the employment of a person to

fill the vacant position advertised, as approved by the Board.

5.3.5. At-Will Employment – Except as may otherwise be provided or required by law, by contract, or by the specific terms of their appointment, all personnel are deemed “at-will” employees and may be terminated, demoted, reassigned, suspended, or disciplined with or without pay, or with reduced pay, and with or without cause.

5.3.6. Nepotism

- a. *Supervisory Relationships* – Employment decisions and relationships that violate any provision of Alabama law, including state ethics and nepotism laws, are prohibited. The Superintendent is authorized to take action to identify and correct violations of the policy in a manner consistent with applicable law.
- b. *Employment of Family Members* – Board members, administrators, or supervisors may not use their positions to directly or indirectly seek or secure the employment of any family member as defined in the Alabama Ethics Law.
- c. *Selection of Impartial Person* – When law or policy mandates the recusal of a board member, official, or employee (“disqualified official”) from involvement in a decision involving the employment or possible employment of a relative or other person and permits or requires an objective, neutral, or impartial person (“the surrogate official”) to exercise some or all of the functions of the disqualified official with respect to the decision or action in question, the surrogate official shall be deemed objective, neutral, or impartial if he or she:
 1. Is not related by blood or marriage to the disqualified official or the person whose employment status is at issue, or of any applicant in a multi-member field of persons under consideration for employment or advancement;
 2. Does not work under the direct or indirect supervision of the disqualified official, of any person who selects the surrogate official, or of any person whose employment status could be affected by the action or decision at issue;
 3. Has no personal or financial connection to the disqualified official, to any person whose employment status could be affected by the action or decision at issue, or to any other person involved or affected by the action or decision at issue in a way that would call into question the surrogate official’s objectivity, neutrality, or impartiality; and
 4. By education, training, and experience has a sufficient understanding of the employment qualifications and other factors and considerations that bear upon the action or decision at issue to make an informed report and recommendation to the Board.

After considering any report or recommendation that may be made by the surrogate official, the Board may approve such recommendation or remand the matter in question for a different recommendation.

- d. *Cooperation to Achieve Compliance.* Any person who becomes aware of a relationship between or among employees which would put the employees in violation of this policy must promptly disclose the relationship to the Superintendent. All employees whose relationships would put them in violation of state law or this policy must cooperate in accepting reassignments, transfers, or other measures necessary to bring them into compliance with law and this policy. Failure to so cooperate will be deemed a willful violation of this policy.
- e. *Discipline for Violation.* Employees who willfully violate this policy shall be subject to disciplinary action including termination, as well as other penalties provided by law.

[Reference: Ala. Code § 16-22-15.1]

5.4. *Employment Status and Assignments*

- 5.4.1. Tenure/Non-Probationary Status. Employees are required to serve the maximum period of any probationary service provided or permitted by the Students First Act before tenure, non-probationary status, or any other statutorily sanctioned form of employment security will be recognized by the Board. Attainment of tenure for teachers and non-probationary status for classified employees shall be determined in accordance with the Students First Act.
- 5.4.2. Transfers/Re-assignments. Employees may be reassigned or transferred in accordance with the provisions of the Students First Act.
- 5.4.3. Discipline and Other Personnel Action. For employees whose employment is covered by the Students First Act, any disciplinary action deemed necessary by the Superintendent will be undertaken in accordance with the Act.

[Ala. Code §16-24C-1 et seq. (1975)]

5.5. *Compensation. Salary and Hourly Wage Schedules, Prior Experience Credit and Supplements for Non-Teaching Supplemental Duties*

- 5.5.1. Compensation. Except as established and governed by the terms of an employment contract, Board employees shall be paid for service in the position for which they are approved and hired, in accordance with salary and hourly wage schedules as approved by the Board. The salary schedule for certified staff shall be no less than 100 percent of the State Minimum Salary Schedule.
- 5.5.2. Prior Experience Credit. Prior experience credit for placement of new employees

on the applicable salary or hourly wage schedule shall be given for full-time prior professional educational work experience of certified employees and for job-related prior work experience of classified employees, as outlined in procedures promulgated by the Superintendent.

- 5.5.3. Supplemental Compensation. Compensation in the form of supplements may be paid for noninstructional supplemental duties in accordance with rates specified or established for such duties in the Board's official salary schedule. All supplemental compensation requires approval of the Board upon recommendation of the Superintendent.
- 5.5.4. Supplemental Duties. Supplemental duties may include coaching and sponsorship of athletic support organizations (e.g., cheerleaders, flag teams, drill teams), scholastic support activities (e.g., yearbook, service clubs, academic honoraries), and other similar responsibilities. Supplemental duties are considered additional nonteaching assignments to be made and approved by the Board on an annual basis or otherwise as the needs of the school require.
- 5.5.5. No Tenure or Non-Probationary Status for Supplements. 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 assignments will be recognized or implied. Assignments of supplemental duties and compensation supplements may be discontinued at any time at the discretion of the Superintendent or principal (with approval of the Superintendent).

5.6. *Professional Development*

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

5.7. *Employee Conflicts of Interest*

Employees may not use their offices or positions for personal gain and must adhere to applicable provisions of the Alabama Ethics Law. Employees may only engage in outside employment under the following terms and conditions:

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board, or use any Board property in support or furtherance of any personal outside business of the employee;
- 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. Lee County certified personnel shall not receive pay or remuneration from students, parents, or others making payment on behalf of students or parents for providing out-of-school tutoring of students currently enrolled in their classes when the out-of-school tutoring is in subject areas taught to the teacher's students during the regular school day. This policy shall not prohibit payment to teachers for tutoring services when such services are sponsored, organized, contracted, and paid for by Lee County Schools or other state-accredited educational institutions.
- e. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.
- f. Employee use of Lee County Schools facilities or equipment shall be limited to uses that are directly related to completion of instructional/teaching related work assignments or other work assignments for Lee County Schools. Under no circumstances may employees lend, rent, or lease Lee County Schools property to others, or use such property themselves in furtherance of any outside employment or business endeavor or other activity not related to the performance of the employee's responsibilities for Lee County Schools, or for activities undertaken for personal gain of the employee or members of the employee's family.
- g. Employees may be authorized to take non-fixed asset equipment and electronic equipment with a per unit cost of \$500.00 or less away from their classroom or work site for use in completing employment-related tasks, upon receipt of verbal approval from the school principal or supervisor. Fixed asset inventory and electronic equipment with a per unit cost of more than \$500 shall not be removed from the classroom or work site without the prior written approval of the principal or supervisor. When such use is permitted, all such equipment shall be checked out by serial number or other appropriate identification and returned to the classroom/work site on a daily basis (except during periods when schools are not in session, when check-out for longer periods of time may be allowed by the principal/supervisor). Suspension or modification of this policy may be approved by the Superintendent as deemed necessary in response to emergency conditions (*e.g.*, disruption of routines by weather emergencies, pandemic conditions, etc.).

5.8. *Employee Evaluations*

5.8.1. Certified Personnel – Certified employees (other than contract principals) will be

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

- 5.8.2. Non-Certified Personnel – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:
- a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;
 - b. A written evaluation form;
 - c. Group or individual employee orientation regarding the evaluation process;
 - d. An opportunity for the employee to confer with the evaluator following the evaluation; and
 - e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluations.
- 5.8.3. Use of Evaluations in Connection with Employment Decisions – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system’s instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to “contract principals,” employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- 5.8.4. Special Evaluation Situations – The Superintendent, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as the Board deems appropriate and as may be permitted by law or applicable regulation.
- 5.8.5. Exempt Personnel – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (*e.g.*, extracurricular activity sponsors) formal evaluations shall not be required for service in those roles.

5.9. Personnel Records

- 5.9.1. Content of Personnel Files – A central personnel file will be maintained for all regular employees. The personnel file may contain information regarding the employee’s current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the personnel file with which they disagree, and such responses will also be included in the personnel file.
- 5.9.2. Alternate Data Storage – Personnel file data may be stored or maintained electronically or digitally.
- 5.9.3. Confidentiality – In general, the contents of an employee’s personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.
- 5.9.4. Access to Personnel Files – Board members, the Superintendent, Board administrators (including principals), employees of the Human Resources Department, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or in keeping with their official duties on behalf of the Board.

5.10. Employee Leave

- 5.10.1. Work Attendance an Essential Job Function – Punctual, regular attendance is an essential job function of every job and position, and employees are expected to report to work when scheduled to work and to remain at work each working day.
- 5.10.2. Absences – Employees who know in advance that they will be absent from work must notify his or her supervisor of the expected absence in accordance with Lee County Schools procedures. In the event advance notice is impractical, employees must notify his or her 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 in violation of Board policy and subject to appropriate disciplinary measures, which may include termination.

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.

Principals who plan to be away from duty for more than ½ day at any time during the principal's contract year shall submit the appropriate leave form to the Superintendent in advance and designate a responsible member of the administrative or instructional staff to be in charge during the principal's absence.

All extended leave must be approved by the board.

5.10.3. Authorized Leave – Except as otherwise authorized under Board policy, employees may be absent from work only in the following circumstances:

- a. Sick leave (5.10.4);
- b. Job related injury leave (5.10.5);
- c. Personal leave (5.10.6);
- d. Vacation leave (5.10.7);
- e. Professional leave (5.10.8);
- f. Military leave (5.10.9);
- g. Court leave (5.10.10);
- h. Catastrophic leave (5.10.11);
- i. Unpaid study leave (5.10.12);
- j. Family and Medical Leave Act (5.11).

5.10.4. Sick Leave

- a. *Persons Eligible for Paid Sick Leave* – All regular full-time employees and part-time employees as specified in the employee manual 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.
- c. *Use of Sick Leave* – Eligible employees may only use paid sick leave for absences caused by the following:
 1. Personal illness;

2. Incapacitating personal injury;
 3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, sibling or any person with a close personal tie;
 4. Death of a family member, including a spouse, parent, child, sibling, mother or father-in-law, son or daughter-in-law, brother or sister-in-law, nephew or niece, grandparent, grandchild, aunt, or uncle;
 5. Death or care of an individual with whom unusually strong personal ties exist because of a relationship other than those listed above.
- d. *Certification* – Employees must certify that sick leave was used for one of the reasons provided in state law and specify the reason. If the employee's principal or department head has probable cause to believe that an employee has abused or misused sick leave, a physician's statement verifying the existence and nature of the illness or medical condition 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)]

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

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

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

Upon a determination that the employee has been injured on the job and cannot return to work, the Board may maintain the employee's salary and benefits for the period of incapacity caused by the injury, not to exceed ninety (90) days. An

employee who is injured on the job may file a request for unreimbursed medical expenses and costs with the State Board of Adjustment. The Board will provide such reasonable assistance to the employee in filing the Board of Adjustment claim as is required by law but assumes and will have no responsibility or liability for processing the claim or directly reimbursing the employee any unreimbursed medical expenses and costs. On-the-job injury leave will be administered in accordance with and subject to the requirements and limitations imposed by state law regarding such leave.

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

5.10.6. Personal Leave – All regular, full-time employees are eligible for up to five (5) non-cumulative personal leave days each scholastic year without loss of pay. Three (3) personal leave days are provided as a benefit from Lee County Schools. ALSDE provides one (1) additional personal day per semester. Employees hired during the first semester (July 1 - December 31) shall accrue all days. Employees hired to begin work during the second semester (January 1- June 30) shall accrue 4 personal leave days, three (3) from Lee County Schools and one (1) day from ALSDE for the remainder of the year (ending June 30) during which they are initially employed.

No deduction from pay shall be made for the first two (2) days of personal leave. The cost of a substitute (certified substitute for certified personnel; non-certified substitute for non-certified personnel) shall be deducted for each of the additional three (3) days used.

Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent. Absent Superintendent approval, personal leave generally, may not be taken immediately before or after a school holiday or in the first or last ten calendar days of a school term or during standardized testing. Unused personal leave days shall be converted to sick leave days at the end of the school year.

- a. Employees are encouraged to notify their supervisor as soon as possible, but at least 24 hours, prior to taking personal leave if at all possible. No more than ten (10) percent of the faculty of a given school will be granted personal leave on any given day (*i.e.*, one person taking personal leave per ten employees on staff). Requests for personal leave shall be approved by the principal on a “first-request” basis.
- b. Personal leave shall be reported as personal with no other explanation required.
- c. Personal leave must be taken in minimum increments of one-half day.
- d. All unused personal leave days shall be converted to sick leave at the end of the employee’s contract year.

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

5.10.7. Vacation

2. a. *Vacation Benefits and Limitations* – Twelve-month employees will earn vacation leave at the rate of ten (10) days per year for each year beginning July 1 and ending June 30, until a maximum of fifteen (15) days have been earned. After five (5) years of employment, one (1) additional vacation day shall be earned on every fifth anniversary of employment. Vacation days may not be used before they are earned. Vacation days earned in any given year must be used within one month following the end of the year in which they were earned (by July 31) and may not be otherwise be carried over into succeeding years. Vacation time may not extend beyond the termination of an employee’s employment with the Board. *Separation of Employment* – Upon separation of employment (e.g., death, retirement, resignation), an employee will be entitled to payment for all earned but unused vacation at the employee’s current daily rate of pay.
- a. *Scheduling* – Vacation must be scheduled with the knowledge and approval of the employee’s immediate supervisor and the Superintendent, or his/her designee.

5.10.8. Professional Leave – The Superintendent or his designee is authorized to grant professional leave with pay to Board employees to engage in educational activities which, in the judgment of the Superintendent, serve the needs and interests of the school system. The number of days approved for such leave will be at the discretion of the Superintendent.

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

5.10.10. Court Leave – Permanent and full-time employees are entitled to regular compensation while performing jury duty (ALA. CODE §12-8-25) or when the employee is summoned under subpoena or other legal requirement to testify at trial in a court of law or in an administrative proceeding constituted under the statutory authority of the agency conducting the proceedings. Paid leave is not authorized for employees to meet with attorneys, to attend depositions, or to otherwise prepare for legal proceedings unless the presence of the employee is requested or required by the Board.

5.10.11. Catastrophic Sick Leave. Employees, at their discretion, may donate two (2) days to the sick leave bank and designate the days for a specific employee for use against a catastrophic illness of any participating employee whose sick and personal leave has been exhausted, according to the following guidelines:

- a. A donating employee shall not be required to donate a minimum number of catastrophic days to the sick leave bank.

- b. Before sick leave days for a catastrophic illness may be used by a recipient employee, the recipient employee shall have first exhausted all sick and personal leave.
- c. Donated days shall become available for use by the particular employee who shall not be required to repay the days. Any employee who donates sick leave days to the sick leave bank for a particular employee suffering from a catastrophic illness shall be clearly informed that the donated days are not to be recovered or returned to the donor. If a particular employee does not require all of the days donated to the credit of the employee, the days shall revert to the credit of those employees who donated the days in accordance with the guidelines adopted by the sick leave bank committee.
- d. An employee must be a member of the sick leave bank to donate or receive catastrophic sick leave days.

[Reference ALA. CODE §16-22-9]

5.11. Family and Medical Leave Act (FMLA)

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

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

- a. The birth and first year care of a newborn child;
- b. The placement of a foster child or adoption;
- c. The care of an immediate family member, defined as a spouse, child or parent, with a serious health condition;
- d. The taking of medical leave because of the employee’s own serious health condition.

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

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

- a. Any period of incapacity in connection with or following inpatient care in a hospital, hospice, or residential medical care facility.

- b. Continuing treatment by a health-care provider, to include any period of incapacity due to:
 - 1. A health condition, including treatment and recovery, lasting more than three (3) consecutive days, and any subsequent treatment or period of incapacity relating to the same condition;
 - 2. Pregnancy or prenatal care;
 - 3. A chronic, serious health condition which continues over an extended period of time, requires periodic visits to a health care provider, and may involve episodes of incapacity (e.g., asthma and diabetes);
 - 4. A permanent or long-term condition for which treatment may not be effective and for which supervision of a health-care provider is required;
 - 5. Multiple treatments for restorative surgery or for a condition which would likely result in a period of incapacity of more than three (3) days if not treated.

5.11.4. Military Family Leave Provided by the Act

- a. *Qualifying Exigency Leave* – Under the FMLA, an eligible employee with a spouse, child, or parent on active duty or called 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.
- c. Spouse Employed by the Board – Spouses who are both employed by the Board are limited to a combined total of twelve (12) weeks of family leave for the birth and care of a newborn child, for the placement of a child for adoption or foster care, for the care of a parent who has a serious health condition, and

for qualifying exigency leave. Spouses who are both employed by the Board are limited to a combined total of twenty-six (26) weeks for military caregiver leave.

- 5.11.5. Intermittent Leave – An employee may take leave intermittently or on a reduced leave schedule only when medically necessary to care for a spouse, parent, or child or to receive planned medical treatment. Intermittent leave should be scheduled to the extent practicable so as not to unduly disrupt the operations of the Board. Intermittent leave may be further limited for teachers in accordance with federal law.
- 5.11.6. Use of Vacation and Sick Leave – If an employee has available sick leave, vacation leave or other applicable paid leave, the employee must utilize those forms of leave before taking unpaid leave under the FMLA. In that instance, the paid leave and the FMLA leave will run concurrently and the employee’s twelve (12) weeks of unpaid FMLA leave will be reduced by the paid leave utilized, as long as the need for such leave results from one or more of the qualifying reasons under the FMLA.
- 5.11.7. Notice – Employees seeking leave under the FMLA must provide thirty (30) days advance notice of the need to take leave when the need is foreseeable. When the need for leave is unforeseeable, employees should notify their supervisors as soon as possible. Employees must also provide notice of the need for qualifying exigency leave as soon as practicable.
- 5.11.8. Certification for Medical or Military Caregiver Leave – Every request for FMLA leave based upon the serious health condition of the employee or employee’s spouse, children, or parents, or leave as a military caregiver must be supported by medical certification issued by the appropriate health care provider on forms provided by the Board. For leave based on a serious health condition of the employee or employee’s spouse, child, or parent, the Board reserves the right to obtain a second opinion from an independent health-care provider designated by the Board. If the opinion received by the employee and the second opinion conflict, the Board and the employee must agree on a third provider to issue a binding opinion. Both the second and third opinions (if necessary) will be at the expense of the Board.
- 5.11.9. Certification for Qualifying Exigency Leave – Certification will be required by the Board for requests for qualifying exigency leave. Certification must be timely submitted on forms available from the Board. For the first such request, certification may include a copy of the military service member’s duty orders or other military documentation.
- 5.11.10. Return to Work – The Board may require an employee who has taken leave due to the employee’s own serious medical condition to provide the Board with a healthcare provider’s certification in order to return to work. Any employee who takes leave under these provisions will be entitled to be restored to the original position held when the leave commenced or to an equivalent position with

equivalent benefits, pay, and other terms and conditions of employment.

5.11.11. 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 a continuing serious health condition suffered by either the employee or a family member or another circumstances beyond the employee’s control.

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

5.12. Sick Leave Bank

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

5.12.1. 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.

- a. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.
- b. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.

5.12.2. Selection of Employee Representatives on Committee

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

- b. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board’s voter record. Votes will be forwarded to the Human Resources Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.

5.12.3. 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.

5.12.4. 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.

5.12.5. 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.

5.12.6. 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.

5.12.7. Employee Participation – Participation in the Sick Leave Bank is voluntary and open to all full-time employees and part-time employees. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.

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

5.13. *Administrative Leave*

The Superintendent is authorized to place an employee on administrative leave upon a determination that the best interests of the school system would be served by such action. The policy is broken into three (3) categories: emergency leave, Lee County Disaster Volunteer leave, and leave based on a formal investigation or alleged misconduct or civil disorder. Administrative leave is an administratively authorized absence from duty without loss of pay or charge to leave. Administrative leave is a general leave status, initiated by the Superintendent, which is paid. Administrative leave relieves the employee of regular work responsibilities pending resolution of the matters or circumstances that gave rise to

the leave. Administrative leave is not disciplinary in nature or purpose and does not affect the employee's compensation, benefits, tenure, or non-probationary status. Administrative leave may be accompanied by such additional restrictions or conditions as may reasonably be imposed by the Superintendent under the circumstances (e.g., limitation on access to school property). The status of employees who are on administrative leave will be reviewed and reported to the Board periodically or as otherwise may be directed by the Board.

- 5.13.1. Emergency Leave – Employees may be granted emergency leave by the Superintendent due to a natural disaster for a period of up to five (5) workdays. Additional days of leave may be approved by the Board upon a showing of substantial hardship or extraordinary circumstances.
- 5.13.2. Lee County Disaster Volunteer – Employees may be granted leave by the Superintendent to serve as a Lee County Disaster Volunteer for a period of up to five (5) workdays upon proof of time worked as a volunteer on verified and acceptable documentation on organization's letterhead.
- 5.13.3. Formal Investigation/Allegation of Misconduct/Civil Disorder – In some circumstances, it may be necessary to remove an employee from the workplace pending the outcome of a personnel/HR investigation. A temporary reassignment or administrative leave may be appropriate as an interim measure for at least two reasons: (1) to allow the investigation to proceed without disruption of evidence, or (2) to preserve a safe, orderly, and professional work environment. The employee shall be in pay status at their current rate of pay during any such administrative leave. If, at the completion of the investigation, the Superintendent decides that suspension or termination is warranted, the employee will be notified in writing.

[Reference: ALA. ACT NO. 2011-270]

5.14. *Equal Employment Opportunity*

- 5.14.1. 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, color, religion, sex, national origin, age, disability, and genetics.
- 5.14.2. 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.

5.15. *Anti- Harassment*

The Board strictly prohibits 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, 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 Prohibited Harassment, as defined herein, and will take appropriate disciplinary action where warranted.

5.15.1. Definition of Prohibited Harassment – Prohibited Harassment is unwelcome verbal, physical, visual, 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. Harassment may not be unlawful by applicable legal standards unless it is severe or pervasive. However, any Prohibited Harassment shall constitute a violation of this policy and may result in appropriate disciplinary action.

5.15.2. Examples of Prohibited Harassment – The following are examples of conduct that may constitute discriminatory harassment:

- a. Verbal harassment may include but is not limited to epithets, derogatory comments or slurs based upon one of the characteristics or status listed 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.

5.15.3. Employee Complaint Resolution

- a. *Reporting*. When an employee feels that he or she has been subjected to Prohibited Harassment or observes or is otherwise aware of an incident of Prohibited 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 Prohibited 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.

5.15.4. Complaint Procedure

- a. *Persons Responsible for Receiving and Investigating Complaints* – The Superintendent is responsible for adjudicating complaints regarding Prohibited Harassment. The Superintendent designates the Human Resources Director (HR Director) as the person responsible for receiving reports of alleged Prohibited Harassment. All complaints should be voiced directly to the HR Director. The HR Director can be reached at (334) 705-4201. 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 HR Director, the complaint may be made directly to the Superintendent, or if the Superintendent is the subject of the complaint, directly to the President or Vice-President of 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 Prohibited Harassment. Harassment complaints that cannot be made in writing should be memorialized by the HR Director or other appropriate recipient of the complaint.
- c. *Investigation* – The HR Director 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.

5.15.5. Confidentiality – To the greatest extent practicable, reports of Prohibited Harassment will be kept confidential; however, no assurances of confidentiality cannot be guaranteed because it is critical that the Board conduct a full and fair investigation and the party against whom harassment is alleged is entitled to certain due process rights.

5.15.6. Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of harassment. If any employee believes he or she has been subjected to retaliation or adverse action as a result of a complaint, the employee must raise that concern in the same manner as set out in this policy. If the employee feels 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 HR Director, the Superintendent, or the President or Vice-President of the Board, as the circumstances may require.

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

5.16. Reduction-In-Force

5.16.1. Definition and Scope.

- a. This policy applies to reductions-in-force that are implemented by “layoffs” as described in Ala. Code § 16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board of Education and layoffs approved thereunder if the Board determines that 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. As provided by the Students First Act, Ala Code §16-24C-6(h)(3), 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.

5.16.2. Criteria for Implementing Layoffs.

- a. The order, priority, rank, or selection of individual employees who are to be laid off under authority of this policy shall be determined on the basis of objective criteria. However, nothing herein shall be deemed or construed to limit or abridge the Board’s legislative discretion to identify areas, departments, groupings, or classifications for reductions (layoffs). (For example, the Board is not required to justify by objective criteria or otherwise a decision to implement layoffs in 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:
 - 1. Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees;
 - 2. Years of experience;
 - 3. Degrees, certification, or licensure;
 - 4. 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);
 - 5. Job classification;
 - 6. Any requirements that may be imposed by state or federal law or court order;
 - 7. 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.

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

- a. The nature of and qualifications for the position have not materially changed;
- b. The laid-off employee remains properly qualified, licensed, or certified; and
- c. The laid-off employee confirms in writing his or her availability for and interest in re-employment to the Board’s Director of Human Resources in accordance with any directives that may be contained in or transmitted in conjunction with the notice of layoff.

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

5.16.4. Notice – Notification of layoff and recall shall be by United States certified or registered mail, hand delivery, or such other means as are reasonable under the circumstances. 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 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.

5.16.5. 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)]

5.17. *Unauthorized Payments*

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

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

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

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

5.18. *Drug-Free Workplace*

5.18.1. General – It is the policy of the Lee County Board of Education that the use of alcohol and other drugs and the unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs is prohibited. Any employee violating this policy will be subject to disciplinary actions, up to and including termination of employment and referral to the appropriate authorities for prosecution. This policy has been adopted in accordance with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. Nothing in this policy should be construed as precluding the Board from adopting additional or alternative programs, procedures, and penalties in order to achieve the goal of a drug- and alcohol-free public school system.

5.18.2. Standards of Conduct –

- a. The possession, use, transfer, sale, or distribution of alcoholic beverages by any employee while on the job or on school premises or off campus in connection

with or affecting any school related activity is strictly prohibited. Violation of this policy will result in disciplinary actions up to and including termination of employment and referral to the appropriate authorities for prosecution.

- b. The Board does not differentiate between drug users or sellers. The unauthorized manufacture, possession, use, transfer, sale, or distribution of controlled substances or illicit drugs is strictly prohibited. Any employee who violates this prohibition while on the job or off will be subject to disciplinary action, up to and including termination of employment and referral to the appropriate federal, state, or local law enforcement agencies for investigation and prosecution.
- c. The term “controlled substance” means any drug listed in 21 U.S.C. Section 812 and other federal regulations. Generally, these are drugs which have a potential for abuse. Such drugs include, but are not limited to, heroin, marijuana, cocaine (including “crack”), methamphetamine (“ice”), LSD, and PCP.
- d. 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 the 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 local, state, and federal laws and procedures that are developed by the Superintendent for approval by the Board.
- e. The Superintendent must notify the State Department of Education within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of a conviction of a violation of any federal or state criminal drug statute.
- f. In cases where employees seek help regarding alcohol and other drug-related problems, the costs for these services are the responsibility of the employee. Seeking professional help should not be construed as an avenue for avoiding the disciplinary sanctions described nor for avoiding compliance with job performance standards.

5.18.3. Confirmation – Every school system employee will be responsible for completing a form annually confirming receipt of drug-free workplace policy information.

5.19. *Drug and Alcohol Testing of Safety Sensitive Employees*

5.19.1. Scope – The Board will conduct employee drug and alcohol testing for employees in safety sensitive positions and will conduct queries and report violations as required by and in accordance with federal law. Testing will be required for all employees holding a commercial drivers’ license (CDL), drive Lee County Schools’ vehicles, or who occupy a safety sensitive position as designated by the Board (“covered

employees”).

5.19.2. Prohibited Alcohol and Controlled Substance-Related Conduct – In addition to activities identified in other policies, rules, and procedures, covered 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 using or possessing alcohol;
- c. Consuming alcohol while performing safety-sensitive functions;
- d. Consuming alcohol within eight (8) hours following an accident for which a post-accident alcohol test is required, or prior to undergoing a post-accident alcohol test, whichever comes first;
- e. Refusing to submit to an alcohol or controlled substance test required by post-accident, random, reasonable suspicion, or follow-up testing requirements;
- f. Consuming alcohol or being under the influence of alcohol within eight (8) hours of going on duty, operating, or having physical control of a vehicle;
- g. Reporting for duty or remaining on duty when using any controlled substance, except when instructed by a physician who has advised the driver and the Board that the substance does not adversely impact the performance of any safety-sensitive duty;
- h. Reporting for duty, remaining on duty, or performing safety sensitive functions with controlled substances in the employee’s system.

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

5.19.3. Testing Program Authorized – All covered employees will be tested for the presence of alcohol and controlled substances in accordance with applicable law:

- 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 controlled substances.
- b. *Post-accident Testing* – Each surviving driver who is involved in an accident involving a school bus shall submit to alcohol and controlled substance testing as soon as practicable following such accident if such driver:

1. Was performing a safety-sensitive function with respect to such vehicle and the accident involved the loss of human life, or
2. Such driver receives a citation within eight (8) hours of the occurrence under state or local law for a moving traffic violation arising from the accident and the accident involved either:
 - i. Bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident, or
 - ii. One or more motor vehicles incurs disabling damage requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Each such driver shall remain readily available for such testing and if he does not remain so readily available, may be deemed to have refused to submit to testing. Transportation supervisors shall provide drivers with necessary post-accident information, procedures and instructions, prior to the driver operating the school bus, so that drivers will be able to comply with the requirements of this policy.

The tests required by this subsection shall be administered as soon as practicable following the accident. If the alcohol test is not administered within two hours following the accident, the supervisor will prepare and maintain a record stating the reasons. If the alcohol test is not administered within eight hours, and the controlled substances test within 32 hours, the same record shall be made and further efforts to administer such tests shall cease.

- c. *Random Testing* – The Board will conduct unannounced random alcohol and controlled substance testing of its covered employees.
- d. *Reasonable Suspicion Testing* – A covered employee must submit to alcohol or controlled substance testing whenever there is reasonable suspicion of alcohol misuse, or the use of controlled substances based on specific, contemporaneous, and articulable observations concerning the appearance, behavior, speech, or bodily odors of the employee.
- e. *Return-to-Duty Testing* – A covered employee must submit to return-to-work alcohol and/or controlled substance test before being permitted to return to work following a positive alcohol or controlled substance test or other violation of this policy or federal regulations.
- f. *Follow-up Testing* – Any employee who continues performing safety-sensitive functions for the Board, following a determination that the employee requires assistance in resolving problems associated with alcohol misuse or the use of

controlled substances, shall be subject to unannounced follow-up alcohol or controlled substance testing as directed by the Board's substance abuse professional (SAP).

5.19.4. 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.

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

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

- a. A verified positive, adulterated, or substituted drug test;
- b. An alcohol confirmation test with a concentration of 0.04 or higher;
- c. A refusal to submit to any test required by law, as enumerated above;
- d. The Board's report of actual knowledge as defined by law (i.e., direct observation, information from previous employer(s), or a traffic citation for driving a commercial motor vehicle while under the influence of alcohol or controlled substances), of:
 1. On duty use;
 2. Pre-duty use;

- 3. Alcohol use following an accident;
- 4. Controlled substance use;
- e. A substance abuse professional's (SAP) (as defined by law) report of successful completion of the return-to-duty process;
- f. A negative return-to-duty test; and
- g. The Board's report of completion of follow-up testing.

[Reference: Omnibus Transportation Employee Testing Act of 1991]

5.20. Searches (Employees)

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

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

5.20.3. 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.

5.21. Prohibition and Aiding and Abetting Sexual Abuse

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

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

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

[Reference: 20 U.S.C. §7926]

5.22. *Self-Reporting Arrest or Conviction*

5.22.1. Duty to Report a Reportable Event. The Lee County Board of Education is committed to maintaining a safe and secure environment for all students and employees. To that end, all employees shall notify the Superintendent in writing of a reportable event under this policy within three (3) business days from the date of the occurrence of the event.

5.22.2. Definition of Reportable Event. For purposes of this policy a reportable event includes the following:

- a. Any misdemeanor or felony arrest of the employee, specifically including, but not limited to, arrests for driving under the influence (DUI) or driving while impaired (DWI);
- b. Any misdemeanor or felony conviction of the employee, specifically including, but not limited to a DUI or DWI; and with respect to any employee whose assigned duties include transporting students or driving vehicles or heavy equipment owned by Lee County Schools:
 - 1. Conviction of the employee for traffic offenses and violations (not including parking tickets) for which points are or may be charged against the employee’s drivers’ license;
 - 2. Issuance to the employee of a notice from the Alabama Department of Public Safety that the employee’s driver’s license or Commercial Driver’s License (CDL) has been suspended or revoked.

5.22.3. Penalties for Violation – Any employee who fails to comply with the terms of this policy will be subject to appropriate discipline, up to and including termination. Nothing in this policy, however, shall be deemed to limit or restrict the

Superintendent or Board of Education from proposing, considering or approving discipline deemed appropriate as a result of the occurrence of any reportable event, whether reported in accordance with this policy or not.

5.23. *Gifts to Personnel*

- 5.23.1. Employees may accept occasional gifts from students or other members of the public if the gifts are in accordance with the Alabama Ethics law and any other applicable law. However, employees shall not solicit any gift, directly or indirectly, or participate in the collection of any donations toward any gift to be given to or received by the employee.
- 5.23.2. Subject to the restrictions above, employees may accept occasional gifts or gift cards purchased from pooled donations within a class, team, or other school group or organization for the employee's personal use. Absent additional facts indicating otherwise, gifts with a value of twenty-five dollars (\$25.00) or less are presumed not to be a violation of the law by the Ethics Commission as such gifts do not qualify as personal gain and are presumed not to be given for the purpose of influencing official action. Donors who choose to coordinate pooled donations to make a larger gift from a group, should request that all individual donations be made in an amount of twenty-five dollars (\$25.00) or less in order to safeguard against such donations violating the Ethics law or being financially burdensome.
- 5.23.3. This policy is intended to be compliant with the provisions of the Alabama Ethics Law. Nothing in this policy should be construed to create restrictions on gifts beyond those that are specifically provided for by law or to allow conduct specifically prohibited by law. To the extent that the Alabama Ethics Law is amended or the Ethics Commission issues additional guidance that may be in conflict with this policy, employees are expected to comply with applicable law and Ethics Commission advisory opinions.
- 5.23.4. Any person with a question about the application of the Ethics law to a particular gift should contact the Ethics Commission for clarification.

[Reference: ALA. CODE §36-25-1, et seq.; Alabama Ethics Opinion 2011-12 & 2016-34]

6. Students

6.1. *Compulsory Attendance and Entrance Age*

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

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

6.1.1. Kindergarten Age Requirement

- a. A child five years of age on or before September 1 shall be entitled to admission to kindergarten at the opening of that school year or as soon as practicable thereafter.
- b. A child less than five years of age on September 1 shall not be entitled to admission during that school year.
- c. An underage child transferring from the public school kindergarten in another state, and whose parents were residing in that state at the time of the transfer, may be admitted to kindergarten on a space available basis with Board approval. The child shall be admitted to first grade upon successful completion of kindergarten.

6.1.2. First Grade Age Requirement.

- a. A child six years of age on or before December 31 shall be entitled to admission to first grade at the opening of school for that school year or as soon as practicable thereafter.
- b. A child under six years of age on December 31 shall not be entitled to admission to the first grade during that school year.
- c. An underage child who has moved into this state having successfully completed a mandated, public school kindergarten program in another state shall be admitted to first grade.

6.1.3. Age Determination. Age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary. Therefore, a child whose fifth birthday falls on September 2 is entitled to attend kindergarten, and a child whose sixth birthday falls on January 1 is entitled to attend first grade, at the opening of schools for that school year.

6.1.4. Transfers From Private or Parochial Schools. Students may enroll in second grade after having attended first grade in an accredited private or parochial school the

previous year but must be seven years old on or before January 1 of the year for which enrollment is requested.

6.1.5. Admission/Enrollment Requirements

- a. *Required Documentation* – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate, but may be requested to submit a birth certificate or another form of acceptable documentation to verify the student’s age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.
- b. *Other Registration Materials.* In addition, students may also be required to submit other registration materials as school officials may reasonably require including, but not limited to, a certificate of immunization or an exemption as prescribed by the Department of Public Health and signed by a private physician or appropriate health department official. The Superintendent may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate children in foster care and migrant, immigrant, limited English proficient or homeless students.

Students shall also present two (2) proofs of residency (copy of utility bill, telephone bill, rent receipt, etc.) of the parent(s), legal custodians, and/or legal guardians;

- c. *Grade Placement.* The school principal shall determine grade placement of students from a private or nonpublic school or from home education based on state regulations and Lee County Board of Education rules regarding transfer of credit as well as other factors including test data, age, and previous school records.
- d. *Denial of Admission.* Admission may be denied a resident student who is over seventeen (17) years of age and who has repeatedly been dismissed from previous schools for violation of the rules of the school with the exception of student who have current IEPs.
- e. *Pending Disciplinary Action.* When a student facing some type of disciplinary action is withdrawn from school prior to receiving the punishment, said student (and his/her parent/legal guardian) should be informed that prior to admission/readmission to any Lee County school, the disciplinary action would have to be completed. This includes any suspension, work assignment, or referral to the Superintendent or Board of Education for a hearing.
- f. Resident Students
 1. The Board defines resident students as students whose parents or legal guardians live within the jurisdiction of the Lee County School

System. All resident students of the school district shall be entitled to be admitted, subject to policy limitations and judicial constraints, to the Lee County Schools.

2. Children of employees of the Lee County Board of Education may be allowed admission as resident students as long as their parents remain employed by the Lee County Board of Education. Children of employees may attend the school in the zone of their residence or in the zone in which their parent is employed.
- g. Admission Policy for Homeless, Migratory, and Immigrant Students, Children in Foster Care, and Limited English Proficient Students - All homeless, migratory, immigrant, and limited English proficient children shall have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth. Such children will be provided the opportunity to participate in the same state educational programs and to meet the same state student performance standards as all other children without being isolated or stigmatized. Students who live in the attendance areas of Lee County School System and who are homeless, migratory, immigrant and/or limited English proficient shall not be prohibited from school attendance due to any of the following:
1. Residency requirements
 2. Lack of social security number
 3. Lack of birth certificate
 4. Lack of school records or transcripts
 5. Lack of immunizations
 6. Legal custody requirements
 7. Transportation
 8. Language barriers
 9. Disabilities
- h. Homeless Students –
1. Enrollment. Homeless students will be permitted to enroll without regard to residency status and will not be denied services offered to other students in the school system. Homeless students may also be entitled to other accommodations under federal law.

2. Homeless students will continue in the school they attended before becoming homeless for the duration of their homelessness, or for the remainder of the academic year if the student becomes permanently housed during an academic year. Otherwise, a homeless student may be enrolled in any school in the system that non-homeless students who live in the attendance area in which the student is living are eligible to attend.
3. Dispute Resolution. The formal dispute resolution process shall be initiated by the Federal Programs Coordinator following the receipt of a written or verbal notification of a challenge of the district's placement decision by the parent/guardian or unaccompanied youth.
 - i. Should no agreement be satisfactorily reached, parents/guardians or unaccompanied youth may further appeal the decision to the Superintendent and the Board of Education verbally or in writing. The placement decision will be made, presented in writing, and shall include an explanation of the placement decision. The communication to the parent shall be provided within ten (10) working days to the parent/guardian or unaccompanied youth and the Federal Programs Coordinator.
 - ii. If the dispute has not been satisfactorily resolved at the district level, parents/guardians or unaccompanied youth should be informed of their right to appeal the decision to the Alabama State Department of Education: Federal Programs.
 - iii. Enrollment disputes between school districts should be resolved at the State level.
- i. *Revocation of Enrollment of Non-resident Students.* The Board reserves the right to refuse or revoke the enrollment of a non-resident students for the following reasons:
 1. because of false, misleading or incomplete information on the enrollment application;
 2. because a school, grade, or program(s) lacks space, staff, support services, facilities, or equipment; or
 3. because the student has been suspended or expelled from school, has withdrawn from a school to avoid possible suspension or expulsion, or has a record of excessive absences or truancy from school.
- i. Transportation. The Board will not provide transportation to and from school or homebound instruction outside of the Lee County Schools attendance zones, except as may be required by law.

- ii. **Additional Procedures Authorized.** The Superintendent or designee is authorized to develop any procedures deemed necessary to implement this policy and to assure regular attendance of students of Lee County Schools.

[Reference: 42 U.S.C. §§11432(g)(3)(A)&(E)]

- j. *Students in Foster Care* – A student in foster care will enroll or remain in the student’s school of origin, unless it is determined that remaining in the school of origin is not in such student’s best interest. If it is not in a student’s best interest to stay in the school of origin, a student in foster care may be enrolled in any school in the system that serves the attendance area in which the student is living, even if the student is unable to produce records normally required for enrollment.

[Reference: 20 U.S.C. §§6311(g)(1)(E)]

- k. *Students Expelled or Suspended from Other School Systems* – Any student who is under suspension or expulsion from another school system or a private, parochial, or other school will not be permitted to enroll until the student has satisfied the conditions for readmission set by the expelling or suspending board or authority in addition to generally applicable admission requirements established by the Board, which may include temporary attendance at the alternative school.
- l. *Placement of Students* – The Board will determine the placement of newly enrolled students in accordance with state law.

6.1.6. Attendance Zone and Class Assignment

- a. *Establishing School Zones.* The Board approves recommendations of the Superintendent to establish and update, as necessary, geographical attendance zones for schools of the same level/grade content within the District.
- b. *Attendance Zone Assignment* – Students will be assigned to the school serving the attendance zone in which his parent(s) or legal guardian reside(s). A student whose parent or legal guardian moves from one attendance zone to another during the school year will be transferred to the school attendance zone in which the new residence is located. The student may be permitted to remain in the school attendance zone that serves the former residence with the approval of the Superintendent. A parent or legal guardian who has documented plans to move to a new attendance area during the first or second grading period of the school year may have his child enrolled in the school serving the new residence upon approval by the Superintendent.
- c. *Class Assignment* – Principals will assign students to classes in keeping with school accreditation standards and any procedures or criteria that may be established at the system or school level.

6.1.7. Absences and Excuses –

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

- a. Personal illness or hospitalization
- b. Death in immediate family
- c. Inclement weather which would be dangerous to the life or health of the student, as determined by the principal and/or Superintendent.
- d. Conditions requiring quarantine as determined by medical professionals and approved by the Superintendent.
- e. Emergency conditions as determined by the principal and/or Superintendent
- f. Court subpoena
- g. Religious holidays
- h. Prior permission of the principal with the consent of the parent or legal guardian

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

6.1.8. Truancy and Early Warning Program –

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. The Lee County Board of Education, in conjunction with the Lee County District Attorney's Office, and the Lee County Juvenile Probation Office have developed a Truancy Early Warning Program and adhere to that program to reduce truancy and promote school attendance. Procedures for the Early Warning Program shall be published annually in the Code of Student Conduct. The Superintendent, in collaboration with the Lee County District Attorney's Office and the Lee County Juvenile Probation Office shall maintain and update those procedures as necessary.

6.1.9 Students Charged with Serious Crime

a. Placement – If a student is arrested for non-school-related crimes, he or she may be placed in an alternative setting or on an alternative education plan during the pendency of the criminal process against the student. When the Superintendent or a designee learns of pending non-school-related criminal activity of a student, the Superintendent or designee shall work with the student’s school’s administration to determine an appropriate school placement. Identified students will not be allowed back on any school property until the appropriate placement is determined.

b. Length of Placement – The student’s placement will run concurrently with the pendency of the criminal charges against the student. If the student is placed at an alternative school for a period longer than the end of the current school year, the student’s placement at the alternative school will be reevaluated prior to the commencement of the next school year.

c. Notice of Serious Criminal Activity –

1. By Court or Law Enforcement – The court or law enforcement may notify the Superintendent or designee of any student’s arrest. The Superintendent or designee will notify the principal of the student’s arrest.
2. By Parent – If a student is charged as an adult or is alleged to have committed a serious crime, as identified below, regardless of age, his/or her parent/guardian should contact the principal to determine appropriate school placement during this time.

d. Examples of Serious Criminal Activity – For purposes of this policy, a serious crime includes, but is not limited to, any crime for which a student is charged as an adult; any crime committed using Deadly Physical Force or with a Deadly Weapon as those terms are defined in Ala. Code § 13A-1-2; and any crime resulting in Physical Injury or Serious Physical Injury as those terms are defined by Ala. Code § 13A-1-2. The ultimate decision about the seriousness of the crime rests with the Superintendent or designee.

e. Protection of Special Education Students – Any decision to assign a student to an alternative setting shall include a review and consideration of the student’s exceptional status and any applicable federal and state law requirements or procedures.

f. Privacy of Student Information –

1. Any information received by a teacher, counselor, administrator, or other Board employee pertaining to a

student's pending criminal activity shall be received in confidence for the limited purpose of rehabilitating the student and protecting students and staff at all schools. Such information shall not be further disseminated by the teacher, counselor, or administrator, except insofar as communication with the child, his or her parent, legal guardian, legal custodian, law enforcement personnel, and the juvenile probation officer of the student is necessary to effectuate the rehabilitation of the student or to protect students and staff at all schools.

2. All information received relating to a student's pending criminal activity shall be kept separate and apart from the student's educational record and shall be accessible only by the Superintendent or designee or the student's principal. Such information shall be destroyed when the student is no longer enrolled in the school district.

[Reference: ALA. CODE §16-28-1, et seq. (1975); ALA. CODE § 13A-1-2; ALA. CODE § 12-15-217 Ala. Admin. Code 290-3-1-.02]

6.2. *Transfers and Withdrawals*

6.2.1. Transfers – The Superintendent is authorized to permit transfers between schools within the school system for good cause. Transfer requests must be submitted in writing and must include detailed reasons for the request. The Superintendent or his designee may approve or deny a transfer request in light of the stated reasons for the request, the capacity and resources of the schools, the student's record (including behavior, grades, attendance, and other factors), and the best interests of the student and of the school system. The existence or availability of a transfer process does not create or give rise to any right to attend a particular school.

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

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

6.3. *Student Fees, Fines, and Charges*

Reasonable fees, fines, and charges not prohibited by law may be established by the Superintendent. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board finance or local school finance manual(s). Principals shall have discretion to waive certain fees for students with financial limitations who cannot afford the fee; subject to the approval of the Superintendent.

6.4. *Extracurricular Activities*

6.4.1. General. Currently enrolled students may be offered an opportunity to participate in extracurricular activities, clubs and organizations. Students suspended from school for violation of Board policy shall not be eligible for participation in extracurricular activities (including any practice sessions, meetings or preparatory events) during any such suspension. 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.
- e. Student clubs must clearly establish and adhere to membership criteria that have been approved by the principal.
- f. The charter and constitution of each student club or organization shall set forth the purposes, qualifications for members, and the rules of conduct and shall be maintained on file for immediate reference by all students and instructional personnel of the school.
- g. There shall be no type of hazing in any club, organization or extracurricular activity associated with the school. Hazing shall be defined as any action or situation which recklessly or intentionally endangers a student's mental or physical health or safety.
- h. Any dues assessed and collected shall be reasonable and not prohibitive.
- i. All meetings of student clubs or organizations shall be held on Lee County Board of Education property, unless waived upon the faculty sponsor's request and principal's approval of special meetings and events. This provision shall not apply to athletic and extracurricular competitions and events scheduled and held at off-campus venues.
- j. A Lee County School System faculty sponsor/designated employee shall be present at all meetings and functions and all social events must be properly

chaperoned.

- k. Student club and organization sponsors shall maintain administrative privileges and passwords for any social media account existing or maintained relating to the club at all times and shall provide to school administrators an updated and current list of usernames and passwords associated with all such club or organization social media accounts. The club sponsor shall be responsible for reviewing and approving or disapproving all social media content and posts (including “likes”, tweets, re-tweets, video, etc. made, published, posted or otherwise disseminated by, or for or on behalf of the club). The club sponsor shall also have responsibility for monitoring, restricting, and/or removing inappropriate posts, comments, tweets, re-tweets, likes, etc. on any social media account maintained by the club on any platform. The principal shall assure that all social media accounts across all platforms for any student club, adhere to reasonably acceptable standards and may ban, or cause any social media account for any club to be closed and taken down based on a violation of acceptable school standards.
 - l. All monies accruing to any school club or organization shall be accounted for through the school's internal accounting system.
 - m. A student club or organization shall not conduct any activity or act which violates Alabama law or regulations, Lee County Board of Education policy or related procedures, or rules, or regulations of the local school. Violations may result in disbanding the club or organization.
 - n. Any student club or organization which engages in an initiation ceremony for its members shall prepare and submit the program of initiation exercises to the faculty sponsor who shall present it for review and approval by the school principal.
 - o. Secret societies, social clubs, sororities, fraternities, or any similar organizations are prohibited.
 - p. Student participation or membership in such organization activities may be governed by the specific policies of the organization and is subject to review and approval by the principal.
- 6.4.2. Athletics. Participation in Board sanctioned athletic programs will be on such terms and conditions as may be approved by the Board and the Alabama High School Athletic Association (“AHSAA”). Schools may establish terms and conditions for participation in such programs as long as school eligibility criteria are not inconsistent with system-wide eligibility or participation criteria, rules, regulations, or standards established by any athletic association or organization of which the Board is a member, or any rule, principle, or provision of applicable law.
- 6.4.3. Extracurricular Activity Participation for Full-Time Students– Academics First.

Effective for all students in Grades 8-12, eligibility for participation in extracurricular activities shall be determined by grades earned during the preceding school year and summer school. To participate in extracurricular activities a student must meet the requirements of the “Academics First” policy as set out in the Alabama Administrative Code, §290-3-1-.02(18).

a. Definitions.

1. Extracurricular activities associated with athletics are defined as those recognized and sanctioned by the AHSAA, and other extracurricular activities are defined as those that are sanctioned by a public school which are not related to a student's academic requirements or success in a course(s).
2. Regular curricular activities are defined as those that are required for satisfactory course completion.

b. Eligibility Requirements for All Extracurricular Activities.

1. Students entering Grades 10-12 must for the last two semesters of attendance and summer school, if applicable, have a passing grade and earn the appropriate number of credits in each of six (6) subjects that total six (6) Carnegie units of credit including four (4) credits from the four (4) core subjects composed of English, science, social studies, and mathematics with a composite numerical average of 70 for the last two semesters of attendance and summer school, if applicable, have a passing grade in five (5) subjects with a composite numerical average of 70 with all other rules applying the same as to students in Grades 9-12. Students promoted to the seventh grade for the first time are eligible. (A semester is defined as one-half of a school year as set out in the current Lee County Schools calendar.)
2. Physical education may count as only one (1) unit per year.
3. No more than two (2) Carnegie units may be earned during summer school. If a unit(s) or subject(s) is repeated in summer school, credits earned will be entered on the student’s transcript as a repeat attempt and will not replace the previously earned grade. Both grades will be included in the student’s cumulative grade point average. .
4. A student who is eligible at the start of the academic year remains eligible for the entire academic year. Students deemed ineligible at the beginning of the school year by virtue of having failed to meet the requirements outlined in (b) 1. above, may regain their eligibility at the end of the first semester by meeting the requirements for eligibility in the two most recently completed semesters, including

summer school. Eligibility restoration must be determined no later than five (5) school days after the beginning of the succeeding semester. [Note: unit calculations for regaining eligibility at the end of the first semester may not coincide exactly with units for graduation for students in schools on six or seven-period days.]

5. An ineligible student may not become eligible after the fifth school day of each semester. Bona fide transfers may be dealt with according to rules of the Alabama High School Athletic Association for sports and Lee County Schools' policies as they pertain to other extracurricular activities.
6. Each eligible student entering Grades 10- 12 must have a minimum composite numerical average of 70 and a minimum of six (6) Carnegie units from the preceding year, including summer school. Summer school work passed may substitute for regular school work repeated in computing the 70 average.
7. Each eligible student involved in athletics must meet the definition of a regular student as defined by the Alabama High School Athletic Association.
8. Any student who earns more than four (4) credits in the core curriculum in any given year or who accumulates a total in excess of the required four (4) per year may be exempt from earning the four (4) core courses in the succeeding year as long as that student remains on schedule for graduation with his/her class by earning eight (8) core credits over any two-year span, including summer school.

c. Participation Requirements.

1. School sponsors are required to submit a request for each curricular activity that occurs outside the regular school day and/or school to the principal. The principal shall be responsible for submitting such requests to the superintendent who shall determine whether to recommend approval of the request to the board.
2. Each request for full participation by all students, regardless of academic standing, in an extra-curricular activity shall be granted if the principal, Superintendent, and the board approve participation in the activity as an extension of a course(s) requirement(s) and it is an event sanctioned by a state/national subject matter association.
3. Notwithstanding anything to the contrary in this policy, activities offered by the school through math, science, band, choral music, and other courses at events such as athletic events (pre-game, game,

halftime, or other breaks), club conventions, parades, amusement park trips and competitions, trips by tour companies, performances at various meetings, etc. are extracurricular, and students academically ineligible under this policy shall not be allowed to participate.

4. Decisions on a student's participation in extracurricular activities should be reached by the Superintendent, or his/her designee consistent with the requirements found in the Individuals with Disabilities Education Act (1997) and its implementing regulations, both federal and state, as well as Section 504 of the Rehabilitation Act of 1973 if the student is identified as eligible under these statutes, rules, and regulations, and such participation is determined to be appropriate.

6.4.4. Eligibility for Participation in AHSAA-Sanctioned Athletics by Nontraditional Students. For purposes of this policy, a non-traditional student (sometimes referred to by the AHSAA as a “homeschool” student) is a student who does not meet the AHSAA’s definition of a regular student, but is eligible to participate in interscholastic athletics sanctioned by the AHSAA subject to the following requirements:

- a. The student meets the AHSAA’s criteria for participation in interscholastic athletics by nontraditional students, including but not limited to, enrollment in required courses offered by Lee County Schools, compliance with the AHSAA’s rules governing academic accountability, and participation in required academic testing. *
- b. The student meets all applicable residency requirements and provides all required documentation for enrollment in school including, but not limited to, proper documentation of the student’s enrollment in a homeschool program recognized by Alabama law.
- c. The student complies with the requirements generally applicable to regular students participating in interscholastic athletics, including, but not limited to, compliance with the Student Code of Conduct and participation in mandatory meetings, workouts, or training.

In cases where limited spaces exist in a class in which a non-traditional student seeks to enroll for purposes of establishing athletic eligibility, full-time Lee County School students will be given preference.

A nontraditional student’s enrollment in Lee County Schools pursuant to this policy is conditional and may be revoked if the student does not make an athletic team; ceases to actively participate on such team; or is removed from the team for any reason, including, but not limited to, failure to comply with AHSAA requirements or team rules or due to

violations of the Student Code of Conduct.

If a nontraditional student enrolled in Lee County Schools pursuant to this policy has their enrollment revoked, withdraws from the system, or ceases regularly attending classes, the school system may request that the student provide updated information regarding where the student is currently enrolled and attending school. If no such update is provided, Lee County Schools will assume that the student is returning to the program the student was attending when the student enrolled in Lee County Schools for purposes of participating in interscholastic athletics sanctioned by the AHSAA.

Nontraditional students are only eligible to participate in interscholastic athletics sanctioned by the AHSAA and nothing herein should be read to confer a right to such students to participate in other extracurricular activities offered by Lee County Schools or to enroll part-time in Lee County Schools for any other purpose.

Due to the evolving guidelines from State Agencies, this Policy is subject to change and amendment.

6.5. *Off-Campus Events*

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

- a. The destination is an activity, event, or function that services a *bona fide* educational or related extracurricular purpose, or is an athletic event or function sponsored or sanctioned by the school or the school system and the state athletic association;
- b. Adequate information regarding the trip (e.g., destination, duration, purpose, educational purpose, mode of transportation, nature and extent of student participation) has been provided to the principal, program director, and Superintendent.
- c. Adequate arrangements are made for supervision and other risk management considerations (e.g., parental permission, medical treatment authorization, special insurance requirements);
- d. Properly certified and qualified drivers have been selected and arrangements for the costs of the trip (e.g., salary, fuels, maintenance, lodging) have been made. Students participating in off-campus events as a part of a school team or group may not be transported to the event in employee/teacher vehicles or in the vehicle of a student or another student's parent; and
- e. Students may only be transported in vehicles that are in compliance with state and federal safety standards. Vehicles with a design capacity of more than ten (10) persons may not be used to transport students to and from school or

school-related activities unless the vehicle conforms to state and federal motor vehicle safety standards for school buses.

- f. Approval for the trip is obtained from the Superintendent or designee.

The Superintendent is authorized to develop additional specific requirements, consistent with the terms of this policy, for participation in and travel to and from school and school-related events and activities.

6.6. *Student Publications*

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

6.7. *Student Employment (Work Release)*

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

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

6.8. *Equal Educational Opportunities*

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

6.9. *Title IX*

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 first be filed and reviewed under the Board's Title IX Policy, which can be found in Section 4.8.

6.10. Student Sexual Harassment

6.10.1. Sexual Harassment Prohibited. Sexual harassment in any form that is directed toward students is prohibited. Persons who violate the policy will be subject to the full range of disciplinary consequences, up to and including termination (for employees), and expulsion (for students), as dictated by the nature and severity of the violation and other relevant considerations. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

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

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

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

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

6.10.3. Sexual Harassment Complaint Procedures Authorized. The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures in compliance with Title IX that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The process and procedures will be

drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and be understandable and accessible to all student population groups and ages.

6.10.4. Initial Confrontation of Accused Harasser Not Required. A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Title IX Coordinator or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.10.3) 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.

6.10.5. Notice of Policy to be Promulgated. The Superintendent will promulgate and disseminate this policy and the complaint procedures to applicants for admission and employment, the schools, parents and legal guardians, unions and professional organizations, and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.11. *Protection of Pupil Rights*

6.11.1. Consent. The Board will obtain parental consent before students are required to participate in a survey that concerns one or more of the following protected areas ("protected information survey") if the survey is funded in whole or in part by a program of the U.S. Department of Education (USDOE):

- a. Political affiliations or beliefs of the student or student's parent(s);
- b. Mental or psychological problems of the student or student's family;
- c. Sexual behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationships;
- f. Legally recognized privileged relationships, such as with lawyers, doctors, or

ministers;

- g. Religious practices, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

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

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

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

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

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

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

6.11.6. Voluntary Religious Expression. Subject to the requirements and prohibitions of Amendments 1 and 14 to the United States Constitution, it is the policy of this Board that:

- a. There shall be no discrimination against students or parents on the basis of their religious viewpoint or the religious content of their expression.
- b. Students shall be allowed to express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of those submissions. Homework and classwork assignments shall be judged by ordinary academic standards of substance and relevance, and against other legitimate pedagogical concerns, but may not be penalized or rewarded based on the religious content of the work.
- c. Students may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that students may engage in nonreligious activities or expression.
- d. Students may wear clothing, accessories, and jewelry which display religious messages or symbols in the same manner and to the same extent that students are permitted to wear other types of clothing, accessories, and jewelry that contain messages or symbols.
- e. The Board shall not take any actions which establish a religion or prohibit the free exercise of a particular religion.
- f. The Board retains the authority to protect the safety of its students, employees, and visitors, and to maintain order and discipline in its schools and on its properties in a content and viewpoint neutral manner.

[Reference: 20 U.S.C. §1232h; 34 CFR Part 98] [Reference: Alabama Code § 16-1-20.5]

6.12. *Student Records*

Educational records as defined by law or Board policy will be available for examination and review by authorized persons in the manner prescribed and to the extent required by law. Except where the context requires otherwise, the term “educational records” has the meaning given in 20 U.S.C. 1232g(a)(4). Copies of such records may likewise be provided to the extent required and under circumstances specified by applicable law or regulation.

The Superintendent is authorized to establish administrative standards and procedures respecting access to such records, including a schedule of reasonable charges for the reproduction thereof. Parents will be provided required annual notification regarding educational records through the student handbook or by other appropriate means.

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

6.13. *Student Health Services*

6.13.1. Generally. The Board may offer limited student health services that are designed to address minor medical issues that may arise during the school day or to assist

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

6.13.2. Mental Health Services. Mental Health Services will be provided in accordance with the following policy:

- a. Parental Opt-in Requirement for Students under Fourteen Years of Age. As required by Alabama Act 2022-442, no student under the age of fourteen may participate in ongoing school counseling services including, but not limited to, mental health services, unless (1) the student's parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.
- b. Mental Health Services Defined. For purposes of this policy, "mental health services" includes services, treatment, surveys, or assessments relating to mental health; however, it does not include instructional activities designed to educate students regarding topics related to mental health (1) contained in the school system's approved curriculum or (2) otherwise required to be taught by law (*e.g.*, Erin's Law; Jason Flatt Act).
- c. Limits to Applicability of Policy. This policy is not applicable to any school counseling services or "mental health services" contained in a student's PST, IEP, or §504 plan. Consent for those services will be obtained in accordance the specific procedures required by federal and/or state law, and information regarding any mental health services will be provided in the pertinent plan. The opt-in requirement under this policy is not applicable to students who are fourteen years of age or older.
- d. Notification Requirement. At least annually, the school system shall provide parents and legal guardians a written notification regarding school provided or sponsored mental health services. The notification will include the purpose and general description of each of the mental health services available; information regarding ways parents may review materials to be used in guidance and counseling programs available to students; and information regarding ways parents may allow, limit, or prevent their student's participation in the programs.

- e. Opt-In Policies and Procedures.
1. *General Requirement.* For a student under the age of fourteen to participate in mental health services, written permission by the student's parent or legal guardian is required annually. The written permission must be specific as to any treatment and not broad in nature. Parents and legal guardians will be provided the opportunity to opt-in electronically during online enrollment, in connection with annual acknowledgment of receipt of the Code of Student Conduct, or by such other means and methods as may be customarily used for such purposes.
 2. *Rescinding Permission.* A parent or guardian may rescind permission for a student under the age of fourteen to participate in mental health services at any time by providing written notice to the school principal.
 3. *Requests for Opt-In and Referrals Authorized.* If a parent or legal guardian does not initially opt-in to mental health services, school officials may contact the parent or legal guardian to (a) attempt to obtain permission for the student to participate in mental health services if the school official believes that the student would benefit from services, or if circumstance arise for which services could be beneficial; and/or (b) provide a parent or legal guardian with a referral or information regarding mental health services that may be available to a student through other agencies or providers.
 4. *Exception for Imminent Threat.* If a parent or legal guardian has not opted-in to mental health services, a student may be provided mental health services if there is an imminent threat to the health of the student or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.
 5. *Information for Parents/Legal Guardians.* If a student's parent or legal guardian elects to opt-in to mental health services, the counselor providing services shall keep the parent fully informed regarding any diagnosis and any recommendations for additional counseling or treatments beyond the services for which the parent or legal guardian has already opted in. The parent shall have the authority to make final decisions regarding any such recommended counseling and *treatments*.
- f. *Recordkeeping.* Written records maintained by the school system and directly related to a student's mental health services will be treated in the same manner

as health care records and are subject to the confidentiality protections applicable to education record generally. Such records will be available for examination and review by authorized persons in the manner prescribed and to the extent required by federal and/or state law. Records pertaining to a student's mental health services will be kept separately from academic records unless including such record(s) in the student's academic record is necessary to implement a state and/or federal law (e.g., special education referral process).

6.13.3. Reporting of Student Injury. School principals shall make a written report to the Superintendent, or designee, concerning every accident requiring the services of a doctor which occurs on school property or during school-related activities. This report shall be given to the Superintendent within twenty-four (24) hours after the accident. In the event of an athletic injury requiring medical attention, the school principal is to use his/her own judgment concerning whether the Superintendent is to be advised. However, if any such injury is of a serious or permanent nature, the principal shall report the matter to the Superintendent within twenty-four (24) hours as required by this policy.

6.13.4. Automated External Defibrillators (AED). An AED will be maintained on the premises of each school in the Lee County School System. The Superintendent will promulgate procedures regarding maintenance, training and procedures for use.

[Reference: Ala. Act 2022-422]

6.14. Student Conduct

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

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

6.15. Searches (Students)

6.15.1. *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.

6.15.2. *Personal Property.* Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and personal electronic 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, provided that the nature and extent of the search shall be reasonably related and limited to the suspected violation.

6.15.3. *Personal Searches.* Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.

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

6.16. Physical Restraint and Seclusion

6.16.1. Policy Purpose

- a. Lee County Schools acknowledges that maintaining a school environment conducive to learning requires that the environment be orderly and safe. Accordingly, the system recognizes that physical restraint of a student may sometimes be necessary in order to protect the student or other individuals.

- b. The purpose of this policy is to provide for the appropriate use of physical restraint only when needed to protect a student and/or member of the school community from imminent, serious physical harm, to prevent or minimize any harm to a student as a result of the use of physical restraint, and to prohibit other inappropriate forms of restraint.
- c. It is the intent of this policy to emphasize and encourage the use of techniques for the prevention and de-escalation of inappropriate behavior, in order to reduce the risk of injury to students and program staff, as well as facilitate the care, safety, and welfare of students.

6.16.2. Definitions

- a. **Physical restraint** is direct physical contact from an adult that prevents or significantly restricts a student's movement. The term physical restraint does not include mechanical restraint or chemical restraint. Additionally, physical restraint does not include: providing limited physical contact and/or redirection to a student in order to promote safety or to prevent self-injurious behavior; providing physical guidance or prompting to a student when teaching a skill; redirecting attention; providing guidance to a location; providing comfort; or providing limited physical contact as reasonably needed to prevent imminent destruction to school or another person's property.
- b. **Chemical restraint** is any medication that is used to control violent physical behavior or to restrict the student's freedom of movement that is not a prescribed treatment for a medical or psychiatric condition of the student.
- c. **Mechanical restraint** is the use of any device or material attached to or adjacent to a student's body that is intended to restrict the normal freedom of movement, and which cannot be easily removed by the student. The term does not include an adaptive or protective device recommended by a physician or therapist when used as recommended by the physician or therapist to promote normative body positioning and physical functioning, and/or to prevent self-injurious behavior. The term also does not include seatbelts and other safety equipment when used to secure students during transportation.
- d. **Seclusion** is a procedure that isolates and confines the student in a separate, locked area until he or she is no longer an immediate danger to himself/herself or others. Seclusion occurs in a specifically constructed or designated room or space that is physically isolated from common areas and from which the student is physically prevented from leaving. Seclusion does not include situations in which a staff member trained in the use of de-escalation techniques or restraint is physically present in the same unlocked room as the student; time-out as defined herein; in-school suspension; detention; or a student-requested break in a different location in the room or in a separate room.

- e. **Time-out** is a behavioral intervention in which the student is temporarily removed from the learning activity. Time-out is appropriately used and is not deemed to be seclusion when:
- The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
 - The duration of the time-out is reasonable in light of the purpose of the time-out and the age of the child; however, each time-out should not exceed 45 minutes.
 - The student is reasonably monitored by an attending adult who is in reasonable physical proximity of the student and has sight of the student while in time-out.
 - The time-out space is free of objects that unreasonably expose the student or others to harm.

6.16.3. Prohibitions

- a. The use of physical restraint is prohibited in the school system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to reasonably implemented and less intensive behavioral interventions, such as verbal directives and other de-escalation techniques. Physical restraint as a form of discipline or punishment is prohibited.
- b. All physical restraint must be immediately terminated when the student is deemed to no longer be an immediate danger to himself or others or if the student is observed to be in severe distress during the restraint. Any method of physical restraint in which physical pressure is applied to the student's body in such a manner as to restrict the flow of air into the student's lungs is prohibited in the school system and its educational programs.
- c. The use of chemical restraint is prohibited in the school system and its educational programs.
- d. The use of mechanical restraint is prohibited in the school system and its educational programs.
- e. The use of seclusion is prohibited in the school system and its educational programs.

6.16.4. Requirements

- a. Each designated staff person who engages or participates in any incident of any permitted or prohibited restraint or seclusion of a student has a duty to promptly

report the incident to the local school principal.

- b. Each local school's principal or his/her designee and each educational program that utilize restraint under this policy should provide staff with guidelines and procedural information regarding physical restraint and arrange for the appropriate training of those designated staff members that may be called upon to restrain a student. This training of designated staff members should be provided as a part of a program which addresses prevention and de-escalation techniques as well as positive behavioral intervention strategies. The training of designated staff members will be based on evidence-based techniques and strategies when possible. Designated staff members will be trained regarding their responsibility to promptly report each incident of physical restraint, whether initiated, continued or discontinued in compliance with this policy or not, and each incident of prohibited chemical and/or mechanical restraint or seclusion. Each local school's principal or his/her designee or program coordinator shall be responsible for providing periodic reviews.
- c. Each local school's principal or his/her designee and each educational program that utilize restraint is expected to maintain written or electronic documentation on training provided at the local school regarding permissible physical restraint as well as prohibited physical, chemical or mechanical restraint or seclusion. The principal or designee should also maintain the list of participants in each training session. Records of such training will be made available to the Alabama Department of Education or any member of the public upon request.
- d. Each local school's principal or his/her designee and each educational program that utilize restraint is responsible for generating and maintaining incident and debriefing reports of the use of restraint or seclusion at the local school and for submitting monthly summary reports regarding such incidents to the school system's Board of Education and to the Alabama Department of Education annually. Each local school principal or his/her designee or program's coordinator is expected to monitor the use of physical restraint on an on-going basis to ensure fidelity of implementation. Follow-up training will be provided following any situation in which policies and procedures are not followed.
- e. Each local school's principal or his/her designee and each educational program that utilize restraint shall endeavor to provide a debriefing session following each incident of permissible restraint, prohibited restraint and/or seclusion of a student. All school personnel involved in the incident and appropriate administrative staff will be expected to participate in a debriefing session for the purpose of planning to prevent or reduce the reoccurrence of the use of restraint. A student's parent or legal guardian will be provided notification of this debriefing session and afforded the opportunity to attend or to request that the debriefing session be rescheduled. The debriefing session shall occur no later than five school days following the imposition of physical restraint or seclusion, unless the debriefing session is delayed, at the request of a student's

parent or legal guardian, so that the parent or legal guardian may attend.

- f. Each local school's principal or his/her designee and each educational program that utilize restraint will provide written notification to a student's parent or legal guardian when physical restraint is used on a student within a reasonable time following the restraint not to exceed one school day from the use of restraint.
- g. Each local school's principal or his/her designee and each educational program will provide written notification to a student's parent or legal guardian when their child is restrained and/or removed from his/her school or program setting by emergency, medical, or law enforcement personnel within a reasonable time following the removal not to exceed one school day from the time of removal.
- h. Each student's parent or legal guardian will be provided information regarding the school or program's policies governing the use of physical restraint. This information will be provided to parents at the beginning of each school year or upon the student's enrollment if the student enrolls after school has started. To effectuate this requirement, the school system's website and student handbook/code of conduct will contain the following statement:

As a part of the policies and procedures of the school system, the use of physical restraint is prohibited in the system and its educational programs except in those situations in which the student is an immediate danger to himself or others and the student is not responsive to reasonably implemented and less intensive behavioral interventions such as verbal directives and other de-escalation techniques. Physical restraint is prohibited when used as a form of discipline or punishment. The use of other physical restraint, chemical restraint, mechanical restraint, or seclusion is prohibited in the school system and its educational programs.

The use of restraint may occur along with other emergency actions such as the school seeking assistance from law enforcement and/or emergency medical personnel which could result in a removal of the student by such personnel.

Significant violations of the law including assaults on students and staff will be reported to the police. As soon as possible after the restraint or removal of a student (and no longer than one school day following the occurrence), written notice will be provided to the parent or legal guardian.

6.16.5. Clarifications

- a. Nothing in this policy shall be construed to interfere with the school system's

or school personnel's authority to utilize time-out as defined herein or to utilize any other classroom management technique or approach, including a student's removal from the classroom, not specifically addressed under this policy.

- b. Nothing in this policy modifies the rights of school personnel to use reasonable force as permitted under the Code of Alabama, 1975, §16-1-14 or modifies the rules and procedures governing discipline under Ala. Code §16-28-12 (1975).
- c. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable actions to diffuse or break up a student fight or altercation.
- d. Nothing in this policy shall be construed to prohibit the school system or school personnel from taking reasonable action to obtain possession of a weapon or other dangerous objects on a student or within the control of a student.
- e. Nothing in this policy shall be construed to eliminate or restrict the ability of school personnel to use his or her discretion in the use of physical restraint as provided in this policy to protect students or others from imminent harm or bodily injury.
- f. Nothing in this policy shall be construed to create a criminal offense or a private cause of action against any local board of education or program or its agents or employees.
- g. Nothing in this policy shall be construed to interfere with the duties of law enforcement or emergency medical personnel or to interfere with the rights of the school system or school personnel from seeking assistance from law enforcement and/or emergency medical personnel.
- h. Violation of this policy by school system personnel may be deemed to be a failure to perform duties in a satisfactory manner and may be deemed to provide grounds for disciplinary action, including dismissal, if appropriate under the circumstances.

6.17. *Corporal Punishment/Use of appropriate physical contact or intervention*

The Board does not permit the use of corporal punishment as a consequence for inappropriate behavior; provided, however, that school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies, for the protection of others, in self-defense, or in other circumstances reasonably requiring such action.

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

6.18. *Student Suspension and/or Expulsion*

- 6.18.1. Generally. In order to maintain order, minimize the risk of potential personal injury, property damage or disruption, or to permit an orderly investigation and evaluation of a suspected violation of school or school system rules, standards, or policies, principals may temporarily suspend a student pending a conference with the parent or guardian of the student and a final disciplinary decision. Suspension may also be imposed as a disciplinary measure as provided in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension.
- 6.18.2. Drugs or Alcohol. Students found to be in possession of, or selling or otherwise providing to others, alcohol, marijuana, illegal drugs or controlled substances for which the student has no prescription from a duly recognized physician, shall be automatically suspended when the possession or other prohibited act occurs on or within a reasonable proximity of school grounds, on school buses and/or at any school-sponsored event. The School Resource Officer shall be notified if on school property; otherwise the police department or sheriff's department with jurisdiction over the location of the occurrence will be notified. Parents/guardians will be promptly notified by telephone, text or email communication, or failing communication by one of these means, by correspondence within twenty-four hours.
- 6.18.3. Expulsion or Other Disciplinary Action. Students automatically suspended pursuant to this policy may be subject to expulsion, assignment to alternative school, or other disciplinary action, following notice of charges and an opportunity to be heard in a disciplinary hearing conducted according to Board policy and procedures. An expelled student shall not attend Lee County Schools, enter onto any Board property, or attend or participate in any school or Board-related activities, regardless of the nature or location of the activity, for the duration of the expulsion.
- 6.18.4. Students with Disabilities. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

6.19. *Electronic Communication Devices*

Personal, wireless communication devices include, but are not limited to, cellular telephones, smart phones, personal computers, tablets, digital wearables or any other electronic communication device. Students may possess a cell phone or other personal, wireless communication device on school property, but use of such devices during the school day is limited to uses expressly permitted by the supervising teacher or administrator. The Board assumes no responsibility for theft, loss, or damage to any

personal/wireless communication device. Principals or their designees will also have the authority to further restrict or deny the use of personal wireless communication devices by any student to prevent the misuse, abuse, or violation of school rules regarding the use of such devices. School officials may read, examine, or inspect the contents of any such device upon reasonable suspicion that the device contains evidence of a violation of Board policy, the Code of Student Conduct, or other school rules, provided that the nature and extent of such examination shall be reasonably related and limited to the suspected violation.

Impermissible use of a cell phone during school hours without permission of school officials, on buses absent an emergency, or in a manner that either interferes with safety procedures or disrupts the educational environment or process during school hours, is prohibited and may result in temporary retention of the device by school officials or other disciplinary action. Students are generally not to be allowed access to cell phones while the student or student's class is engaged in any assessment or testing.

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

6.20. Drivers' License

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

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

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

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

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

6.21. *Student Parking Privileges*

In order to promote the safety and welfare of students and others who work on or visit school campuses, to encourage the development of safe and responsible driving practices, and to serve the general purposes of maintaining a drug and alcohol free school environment, students will be granted the privilege of driving and parking on school property only if they are free of the effects of alcohol or other illegal or controlled substances. Principals may impose reasonable additional conditions or requirements for the privilege of driving or parking a vehicle on school property including, for example, conditions relating to maintenance of academic and attendance standards and the payment of fees. Principals may also establish priorities for issuance and assignment of parking permits.

6.22. *Jamari Terrell Williams Student Bullying Prevention Act Policy*

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

6.22.2. Definitions. In this policy, these terms shall have the following meanings:

- a. "Bullying" means a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to: cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:
 - Place a student in reasonable fear of harm to his or her person or damage to his or her property;
 - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student;
 - Have the effect of substantially disrupting or interfering with the orderly operation of the school whether the conduct occurs on or off school property, online, or electronically;

- Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function; or
 - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. “Hostile environment” means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.
 - c. “Violence” means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
 - d. “Threat” means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
 - e. “Threat of violence” means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
 - f. “Intimidation” means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
 - g. “Student” as used in this policy means a person who is enrolled in the Lee County school system.

6.22.3. Description of Behavior Expected of Students

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

perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the student:

- Race
- Sex
- Religion
- National origin
- Disability
- The student's imbalance of strength, power, or influence; or
- Other personal characteristics which motivate the prohibited action.

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

6.22.5. Reporting, Investigation, and Complaint Resolution Procedures -

- a. Complaints alleging violations of this policy may be made on a board-approved complaint form available in the handbook, on the website, or at the school's office. The complaint must be delivered to the principal or the principal's designee either by mail or personal delivery. Incidental or minor violations of the policy may be presented and resolved informally. The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.
- b. Upon receipt of the complaint, the principal or the principal's designee will determine if the complaint alleges a serious violation of this policy. If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violations(s) may also be imposed by the principal or the school system.
- c. A person reporting a violation who is not satisfied with the outcome of the

investigation may appeal the decision in writing to the Superintendent or designee.

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

6.22.6. Promulgation of Policy and Related Procedures, Rules, and Forms. This policy and any procedures, rules and forms developed and approved to implement the policy will be published on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

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

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

6.23. *Suicide Awareness and Prevention*

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

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- c. Foster training for school personnel who are responsible for counseling and supervising students.

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

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

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

[Reference: Ala. Code §16-28B-8 (1975)]

6.24. *Supervision of Low Risk Juvenile Sex Offenders*

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

6.24.1. Definitions. In this policy, these terms shall have the following meanings:

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

6.24.2. Notification

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

another school in the district, the principal of the original school should notify designated law enforcement of the change as soon as practicable.

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

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

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

6.24.3. Plan Development and Maintenance. Upon proper notification from law enforcement, the Student's principal or designee will call together the anticipated Supervision Team to meet with the Student and/or the Student's parent or guardian to develop an appropriate Plan. This meeting should take place within 10 school days or as soon as practicable. In the event the Student's parent or guardian is unable or unwilling to meet, the principal or designee and the Supervision Team should meet with the Student within a reasonable timeframe to develop an appropriate Plan.

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

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

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

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

any suspected violations of the Plan to the principal or designee.

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

- 6.24.5. Students with Disabilities. Discipline of Students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act and implementing regulations.
- 6.24.6. Violations of the Plan. In the event the Student violates the Student Code of Conduct or the Plan, the Student may be subject to discipline pursuant to board policy and/or reassessment of the Plan's conditions.
- 6.24.7. Challenges to the Plan. In the event the Student and/or his parent or guardian object to conditions of the Plan or the application of a sanction, a challenge must be submitted in writing to the Superintendent or his designee to consider whether adjustment of the Plan or response modification is warranted. The Superintendent's decision shall be final. A response that constitutes disciplinary action will adhere to the applicable School disciplinary policies and procedures and the Student will be afforded process due thereunder.
- 6.24.8. Confidentiality. Information received by school officials or staff related to the Student's delinquent status must be treated as confidential from other students, staff members, officials and stakeholders. Any document identifying the Student's status should be safeguarded from unintentional disclosure by the members of the Supervision Team. Any school official or school employee who improperly discloses the Student's status to any other person may be subject to school discipline and/or criminal charges as provided by law.
- 6.24.9. Retaliation. Members of the Supervision Team should make every effort to treat the Student with the same respect and courtesy to which every student is entitled. The Team is reminded that the Student has been deemed by the juvenile court as not likely to reoffend and should be encouraged to fully integrate into the student body as a successful student. Mistreatment of any student may be cause for discipline.
- 6.24.10. Procedures. The Superintendent shall have the authority to develop appropriate training and additional procedures for staff members in furtherance of this policy.

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

6.25. *Acceptable Use of Computer Technology and Related Resources*

Please see Policy 4.8, Employee and Student Acceptable Use of Technology and Related Resources and related procedures.

7. Instructional Program

7.1. Curriculum and Educational Programs Offered

7.1.1. Generally. 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.

[Reference: ALA. CODE §16-9-21 (1975); Ala. Admin. Code 290-6-1-.04]

7.1.2. Special Education. The curriculum plan will include provision of educational and related services to exceptional students who qualify under state and federal guidelines for such services. School staff under the direction of the Superintendent and the District's Special Education Director will coordinate services to identify eligible students as required by law, determine services necessary to provide a free and appropriate public education ("FAPE") and deliver such required services in accordance with an Individualized Education Plan ("IEP") created for each eligible student by an IEP committee organized and conducted in accordance with applicable law. IEP's for each student shall be regularly reviewed, revised, modified, or updated in the manner required by law and applicable regulation to assure that the current IEP for the eligible student is designed to deliver FAPE.

Except as provided in an approved IEP or other special circumstances special education students shall not have a shortened school day due to transportation or other administrative conveniences.

Special education programs of Lee County Schools shall also include programs for students identified as gifted, which programs shall include opportunities for accelerated learning and advancement through the course of study at a pace commensurate with the student's abilities.

The Superintendent is authorized and directed, personally or through designees, to develop, revise, modify, maintain, and update procedures for identification of exceptional students with special needs and gifted students to assure that FAPE is delivered to such students.

The Superintendent shall also appoint a qualified person to administer a program of homebound instruction for eligible students and to develop a homebound instructional program to be implemented and delivered to individual homebound students by designated personnel. The homebound instructional program shall be disseminated to appropriate employees, parents, students, and agencies as needed.

7.1.3. At-Risk, Alternative Education, Career Awareness and Summer Programs.

- a. The Superintendent or designee shall develop plans and procedures for delivering services to at-risk students addressing drop-out prevention and students who have failed to make adequate progress to maintain grade level

learning and comprehension.

- b. The Superintendent shall maintain an alternative education program or programs to which students may be referred as a result of disciplinary infractions which interfere with, disrupt, or pose an unreasonable risk to the general educational environment, or to which students who have been identified as at-risk for academic failure and in need of services to catch up to grade level performance or recover credit necessary for advancement or graduation.
- c. The Superintendent shall maintain a comprehensive career awareness program for middle schools of the district to help students appreciate the value of high school education, the consequences of not acquiring at least a high school diploma, and the career advantages to higher education or vocational training. The program should place a strong emphasis on utilization of school counselors for early identification of and intervention for students deemed to be at-risk for dropping out of school or falling behind academically.

7.1.4. Language Instruction for English Learners and Immigrant Students. The District will operate and maintain a program for Limited English Proficient Students in compliance with the Every Student Succeeds Act (ESSA) of 2015.. The Superintendent will promulgate appropriate procedures for implementation of the program.

7.2. *Textbooks and Reproduction of Copyrighted Materials*

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

[Reference: ALA. CODE §16-36-62 (1975); §16-36-69 (1975)]

7.2.2. Reproduction of Copyrighted Materials. The following guidelines shall govern the reproduction of copyrighted materials in the Lee County School System:

- a. Board employees may reproduce copyrighted materials under the provisions of the copyright laws currently in force under Title 17 of the United States Code 106. Any reproduction of copyrighted materials will be undertaken either with the written permission of the copyright holder or within the bounds of "Fair Use" guidelines provided in the Copyright Act; otherwise, the individual responsible for reproduction may be liable for infringing the copyright under

existing laws.

- b. The ethical and practical problems caused by the unauthorized copying of any copyrighted materials (printed or video) will be taught to educators and students in all schools of the School System.
- c. The Board in recognizing the importance of the Copyright Law of the United States (Title 17, United States Code) hereby notifies all employees that a willful infringement of the law may result in disciplinary action. In the case of a court action for damages, a finding of willful infringement would preclude the Board paying any judgment rendered against the at-will employee or paying any attorney's fees or costs which the employee would incur in conjunction with a lawsuit and may render the employee liable to the Board for any damages which the Board is liable to pay.
- d. Copyright violations may result in disciplinary action, including dismissal.

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 a four-point scale (A=4 points, B=3 points, C=2 points, D=1 point, and F=0 points).
- 7.3.2. Weighted Grading Scale. Students electing to participate in rigorous academic courses such as Honors and Advanced Placement (AP) are given additional weight. The weighted Grade Point Average (GPA) will be recorded on the students' report card, high school official transcript, and included in the students' overall GPA calculation. Weighted credit (A=5 points; B=4 points; and C=3 points) shall be awarded in these courses: Honors English, Pre-Calculus with Trigonometry, Algebra III with Statistics, Physics, Calculus, and all AP courses.
- 7.3.3. Transfer Students. Students who transfer to Lee County Schools must complete all state-mandated minimum graduation requirements and any additional local graduation requirements. For mid-year or mid-semester transfer students from non-block scheduled high schools, credits earned or coursework completed shall be correlated to the block-scheduled courses. Letter grades transferred from previous schools will be placed on Lee County Schools' GPA scale. The Superintendent shall adopt procedures to implement this policy.
- 7.3.4. 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.

- 7.3.5. Report Cards. Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis. The Superintendent will develop procedures relating to the content and issuance of Lee County School System report cards.
- 7.3.6. Promotion and Retention. Students are promoted from grade to grade on the basis of 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 and in accordance with applicable law. No student will be recommended for retention unless their case has been presented to the school level RTI Problem Solving Team. All students must comply with Lee County School' attendance policy to be promoted to the next grade and should meet the following criteria for promotion:
- a. Grades K-4 – Proficient in reading and mathematics to grade level standards. Consideration should be given to age, maturity, motor coordination, capacity for learning and academic progress. The principal and classroom teacher together will be solely responsible for retention or promotion decisions.
 - b. Grades 5-8. Must pass reading and mathematics plus one additional core course. Students retained twice in any grade may be placed in the next higher grade with the recommendation of the teacher and approval of the principal, together with referral to the RTI Problem Solving Team.
 - c. Grades 9-12 – Students who have earned seven (7) Carnegie units will be classified as 10th graders. Students who have earned fourteen (14) Carnegie units will be classified as 11th graders. Students who have earned twenty (20) Carnegie units will be classified as 12th graders.

Students who do not pass coursework in a logical and sequential order should be strongly encouraged to attend an approved summer school program to pass the required courses or earn the required Carnegie units necessary for promotion or orderly progression through the courses required for graduation.

Promotion of special education students will be based on the student's accomplishment of goals stated in the IEP in conjunction with other program requirements. Retention decisions for students with disabilities shall be made by the IEP team. Students identified as gifted shall be provided the option of acceleration to progress through course of study objectives on a pace commensurate with their abilities.

- 7.3.7. Class Rankings. At the end of the second term of senior year, students will be ranked using the GPA based upon the grading scale as calculated, weighted, and described herein, carried out four decimal places with no rounding.

7.3.8. Credit Recovery – The Superintendent is authorized to develop procedures for a program through which a student may recover credits in one or more failed courses, in compliance with regulations promulgated by the State Department of Education. The curriculum will align with the State Board of Education course of study and study content standards in which the student seeking credit recovery is deficient.

[Reference: ALA. ADMIN. CODE 290-3-1-.02(10)]

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. School personnel who have access to mandated tests shall be informed of test security laws and procedures and of penalties for breaches of test security. Teachers are authorized to conduct assessments for their courses in order to determine their students' mastery of content standards, knowledge and skills, and to use in calculating a student's grade.

7.5. *Summer School Operations*

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

[Reference: ALA. ADMIN. CODE 290-3-1-.02(6)]

7.6. *Dual Enrollment*

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

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

7.7. *Correspondence or Online Courses*

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

[Reference: ALA. ADMIN. CODE 290-3-1-.02(12, 13)]

7.8. *Virtual Pathway Program*

7.8.1. General Policies.

- a. The school system provides a Virtual Pathway Program to full-time students in grades 9-12 who are enrolled in Lee County Schools.
- b. Students enrolled in the Virtual Pathway Program will complete all coursework in a virtual or blended (virtual and face-to-face) platform. The coursework will allow student-scheduling flexibility to complete the course requirements.
- c. Lee County students may participate in the Virtual Pathway Program either as a full-time virtual student or as a Lee County Learning Center student.
- d. A student who participates in the Virtual Pathway Program, whether as a full-time student or as a Lee County Learning Center student, will be counted in the average daily membership of his or her zoned school and will be treated as if he or she is attending his or her school of record for the purposes of participating in extracurricular activities. All such students also shall be subject to rules applicable to other participants in extracurricular activities, including those of the Alabama High School Athletic Association.
- e. Any online course delivery that is not supported by the Alabama State Department of Education must be accredited by an institution recognized pursuant to administrative rules adopted by the ALSDE, Coursework offered through the Virtual Pathway Program shall contain the required content identified in the applicable Alabama Course of Study.
- f. Virtual Pathway Program students will participate in all state testing and accountability requirements which will be administered according to ALSDE guidelines. Students enrolled in the virtual school are subject to Lee County Schools' graduation requirements. Virtual Pathway Program students who satisfy all graduation requirements will receive a Lee County School diploma and may participate in the graduation ceremonies of his or her school of record.
- g. The Virtual Pathway Program of Lee County Schools is exempt from any provision of general law or administrative rules that apply to the traditional delivery of instruction including, but not limited to: requirements to the physical presence of a student, student monitoring and security, staffing requirements, transportation obligations, facility requirements, space and location requirement, time requirements and physical education requirements, to the extent any of the forgoing conflict with the terms of the Virtual Pathway Program.

7.8.2. Student Eligibility Criteria – A student who participates as a full-time Virtual Pathway Program student must meet and maintain the following eligibility criteria to participate:

- a. Satisfy the residency requirements for attendance in Lee County Schools or otherwise have regular access to an operational computer and a reliable internet connection.
- b. Have an adult willing to serve as a learning coach.
- c. Be proficient in reading, writing, and mathematics.

In addition to satisfying the aforementioned requirements, the student and his or her parent/guardian shall meet with his or her attendance zone school principal and guidance counselor to develop a customized learning plan that will lead to an Alabama High School Diploma.

The school system reserves the right to develop specific eligibility criteria for virtual courses. Students may be transitioned back to a traditional day program if 1) the student's participation in the Virtual Pathway Program is impeding the student's academic progress; 2) the student fails to meet virtual course attendance requirements; or 3) the student repeatedly violates school system policies, procedures, rules or regulations, including, but not limited to, the school system's rules governing the use of its technology resources.

7.8.3. Additional Policies Applicable to Lee County Learning Center Students.

A student who wishes to participate in Lee County Schools' Virtual Pathway Program as a Lee County Learning Center student must meet the residency requirements as established by Lee County Schools' policy. In addition to satisfying the residency requirement, the student must submit the following items for review and approval:

- a. School counselor recommendation from current school or enrollment
- b. Principal recommendation from current school of enrollment
- c. Student and parent statements of interest
- d. Academic transcript

Upon receipt of a request from a Lee County Learning Center student to participate in the Lee County Virtual Pathway Program, the Lee County Learning Center facilitator and teachers will review the request to determine readiness and approve, deny or request additional information.

7.8.4. Monitoring Performance and Testing Requirements – Individual student performance will be monitored pursuant to the school system's traditional academic credit requirements and grade scale. Students utilizing the Virtual Pathway Program will be subject to all state testing and accountability requirements and will be subject to the same rules and regulations regarding the administration of such

tests that are applicable to students enrolled in the traditional day program. All state-mandated assessments will be administered at the student's zoned school.

- 7.8.5. Attendance –Students enrolled in the Virtual Pathway Program through the Lee County Learning Center must meet all established attendance criteria applicable to students at the Center. Attendance and academic progress will be monitored daily by the Lee County Learning Center facilitator.

Students participating in the Virtual Pathways Program, other than those enrolled through the Lee County Learning Center are required to be active and submitting assignments in order to remain enrolled in the program.

The school system reserves the right to set specific attendance requirements for each virtual course. The Superintendent or his designee is authorized to develop alternate attendance policies for virtual courses, provided that students in such programs are given notice of the attendance requirements. A student's failure to comply with such requirements may result in administrative action including, but not limited to, probation or removal from the class or a charge of truancy, if appropriate.

- 7.8.6. Additional Procedures Authorized –The Superintendent or his designee is authorized to develop such procedures as deemed necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of the Virtual Pathway Program's requirements and rules, and a process for making determinations regarding a student's continued eligibility.

[Reference: Ala. Code § 16-46A-1, et seq.]

7.9. *Career and Technical Education Programs*

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

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

- 7.9.2. Live Work – Live work consists of work conducted by students that relates to the

knowledge and skills taught as part of a Career and Technical Education (CTE) program of study but is presented from outside the classroom. The Superintendent is authorized to develop 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, 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 applicable district procedures.

7.9.3. 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.

7.9.4. Career Placement. Career/technical teachers are responsible for assisting graduates in job placement or entry into post-secondary education. The Superintendent shall develop procedures and directives regarding fulfillment of these responsibilities.

[Reference: Ala. Code §§16-3-18, 16-37-4]

7.10. *Foreign Exchange Programs*

The Board of Education recognizes that foreign exchange programs have the potential to enrich the learning environment by promoting international educational and cultural exchange between students. This is in keeping with the system’s goal of empowering students for global success. The Superintendent is authorized to develop and implement guidelines and procedures under which foreign exchange students may attend Lee County Schools, and Lee County students may participate in foreign exchange programs.

7.11. *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-.01]

7.12. *Graduation, Certificate of Completion, and Commencement*

In order to obtain an Alabama high school diploma, a student must earn the credits mandated by the applicable Alabama Administrative Code requirements and meet any other requirements mandated by state law or the Alabama State Department of Education.

A student with a disability (as defined by the IDEA) who has met the applicable Alabama Administrative Code requirements and/or any other requirements provided by state or

federal law will receive either a diploma or a graduation certificate as appropriate.

A student who has satisfactorily completed one of the above requirements is eligible to participate in graduation ceremonies as a member of the graduating class. Student participation in graduation-related ceremonies will be subject to the principal's approval and 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.

The Superintendent shall publish and update as appropriate, graduation requirements for Standard diplomas, diplomas with Advanced Academic Endorsement and Alabama Occupational Diplomas or Certificates of Graduation.

[Reference: Ala. Admin. Code R. §§290-3-1-.02(8); 290-8-9-.10(9)]

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

7.13. *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:

7.13.1. Nutrition Education and Promotion. Nutrition education that teaches the knowledge, skills, and values needed to develop healthy eating behavior and nutrition awareness that promotes and reinforces student health will be integrated into the curriculum and offered throughout school campuses, including school dining areas and classrooms by appropriately trained personnel.

7.13.2. Nutrition Standards. The Board will ensure that reimbursable school meals meet the program requirements and nutritional standards established by applicable state and federal regulations. The Board will take all reasonable steps to foster and encourage the consumption of healthy food and beverages at all times in connection with school functions. The Board will consider nutrient density, portion size, and any applicable state and federal regulations before permitting food and beverages to be sold, served, or marketed to students.

7.13.3. 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 healthy 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.

7.13.4. 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.

7.13.5. 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.

7.14. *School Media Centers and Selection of Instructional Materials and Materials for Media Centers*

Each school in the Lee County School System shall maintain a library media center under the direction of a state certified library media specialist consistent with accreditation standards. 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 applicable rules and procedures related to access to and circulation of materials in school media centers. The Superintendent is further authorized to develop a procedure for review of objections to instructional and media center materials.

7.15. *Parent and Family Engagement*

In order to comply with the requirements of section 6318 of Every Student Succeeds Act (“ESSA”), the Board will comply with the following requirements:

7.15.1. Joint development of required plans. The school system will involve parents and family members in jointly developing the Board’s Title I, Part A plan, and the development of school support and improvement plans as required by the ESSA.

7.15.2. Coordination of activities within the school system. The school system will provide the coordination, technical assistance, and other support necessary to assist and build the capacity of all participating schools within the school system in planning and implementing effective parent and family involvement activities designed to improve student academic achievement and school performance. Such coordination may include meaningful consultation with employers, business leaders, and philanthropic organizations, or individuals with expertise in effectively engaging parents and family members in education.

7.15.3. Coordination with other laws and programs. The school system will coordinate and integrate parent and family engagement strategies to the extent feasible and appropriate, with other relevant Federal, State, and local laws and programs.

7.15.4. Annual Evaluation. The school system will conduct, with the meaningful involvement of parents and family members, an annual evaluation of the content and effectiveness of the parent and family engagement policy in improving the academic quality of all schools served under this part, including identifying—

- a. Barriers to greater participation by parents/families in activities authorized by this section (with particular attention to parents who are economically disadvantaged, are disabled, have limited English proficiency, have limited literacy, or are of any racial or ethnic minority background);
- b. The needs of parents and family members to assist with the learning of their children, including engaging with school personnel and teachers; and
- c. Strategies to support successful school and family interactions.

The school system will use the findings of the annual evaluation to design evidence-based strategies for more effective parental and family engagement, and to revise, if necessary, the parent and family engagement policies described in this section.

7.15.5. Involvement of parents/family members. The school system will involve parents in the activities of the schools, which may include establishing a parent advisory board comprised of a sufficient number and representative group of parents or family members served by the school system to adequately represent the needs of the population. This advisory board will help develop, revise, and review the parent and family engagement policy.

[Reference: 20 U.S.C.A. § 6318(a)(2)]

7.16. *Title I Federal Programs*

7.16.1. Title I Services Generally. Title I services will be offered in schools within the Lee County School System which qualify for such services, according to state and federal guidelines and legislation. Eligible students are those whom the school identifies as failing or most at risk of failing to meet the state's challenging student performance standards and having greatest academic need for special assistance. The Board requires that the following criteria be met for all qualified Title I programs (Schoolwide or Targeted Assistance) within the School System:

- a. Improvement in teaching so that Title I students will meet challenging state content performance standards.
- b. Implementation of effective instructional strategies that increase the amount and quality of learning time for at-risk students and that deliver an enriched and accelerated curricula.
- c. Effective school-based planning takes place.

d. Schools promote effective parent participation.

7.16.2. Title I Schoolwide Programs. Funds for school-wide programs must be used to upgrade the entire program of the school. Schools are encouraged to use evidence-based school reform strategies that provide an accelerated and enriched curriculum and increase the amount and quality of learning time as programs are integrated with other resources and initiatives. The objective of the programs shall be to assist disadvantaged children by upgrading the entire education environment.

7.16.3. Title I Targeted Assistance Programs. Funds for targeted assistance must be used to target improvements for individually identified students and only for programs that provide services for those identified as in greatest need. However, these targeted assistance programs must meet the same requirements of schoolwide programs, such as emphasizing accelerated curricula and extended learning times, coordinating their activities with other school reform activities, and providing adequate professional development for teachers and others serving Title I students.

7.16.4. Title I Teachers. Title I funded teachers are employees of the Board and are subject to the same policies, rules and regulations as other teachers.

7.16.5. Federal Funds for Highly Qualified Status.

a. Title II funds may be used to assist teachers and paraprofessionals in Title I schools to attain “highly qualified” status under the Every Student Succeeds Act (ESSA) of 2015. Priority will be given as follows: (1) Teachers in Title I funded programs, (2) Paraprofessionals in Title I programs, (3) Other teachers in core courses in Title I schools.

b. Title II funds for professional development may be expended to assist teachers of core courses in non-Title I schools to become “highly qualified”.

c. Federal funds which are designated to be used to assist teachers in attaining “highly qualified” status may also be used to reimburse teachers for the Praxis II test fee.

d. A teacher who has satisfactorily completed course work for “highly qualified” status may submit receipt(s) and transcript(s) to the Central Office for reimbursement of tuition costs. Reimbursement is limited to those courses which enable the teacher to become “highly qualified” and reimbursement is contingent on availability of federal funds budgeted for this purpose.

7.17. *Extended Learning Opportunities*

7.17.1. Application Process for Accepting and Approving ELOs Offered for Credit by Outside Entities — Extended Learning Opportunities (ELOs) shall involve partnerships between local education agencies, parents or guardians, students, and outside entities who will be providing or assisting with high-quality instruction.

Such partnerships shall clearly delineate the responsibilities of each partner and provide structures to guide the ELO.

7.17.2. Entities That Are Eligible to Submit Applications to Offer ELOs — According to Alabama Code section 16-46C-5, eligible entities shall include, but not be limited to, all of the following:

1. Nonprofit organizations.
2. Businesses with established locations in the state.
3. Trade associations.
4. Any of the Armed Forces of the United States, subject to applicable age requirements.

Partnership agreements with eligible entities shall comply with all federal and state labor laws and must include provisions for ensuring that students are supervised by approved individuals who meet and agree to guidelines set forth by the school system.

7.17.3. Process for students to follow for requesting credit

- a. The ELO application is to be completed by the student, a certified educator, parent/guardian, ELO partner (supervising member of the eligible entity), superintendent or designee. At the time of application, the responsible entities will select the amount of elective credit to be awarded and will set the guidelines for awarding such credit.
- b. No student shall receive more than one (1) credit for any given ELO.
- c. Grading, calculation of GPA, and inclusion of ELO credit on the student transcript will be completed in accordance with the school board policies and procedures governing courses provided by the school system.
- d. The student and the certified educator will research the competencies/skills that can be met through the ELO to establish general expectations and goals for the project. The student and the certified educator will work together to develop an overview of the project.
- e. The student, a certified school personnel, family member/ adult advocate, and community member/non-school based mentor, will work as a team to provide a detailed plan that includes standards and assessment strategies and clearly defined grading criteria.
- f. Matriculation through the ELO requires benchmarks that may include, but are not limited to, small projects, rehearsals, practices, drafts, artifacts, or other

work that allows the student to move towards competency mastery.

- g. Students with IEPs and 504 Plans shall be given the appropriate accommodations so that they can construct meaning from their ELO experience.

7.17.4. Criteria to determine whether a proposed ELO shall be approved to count toward credit — ELOs shall, at a minimum, meet the following criteria:

a. *Program and Activities*

1. Includes a written learning plan.
2. Activities are aligned to national, state and/or local standards.
3. Offers engaging activities and promotes leadership skills.
4. Provides student opportunity to demonstrate evidence of learning/mastery of skills through research, reflection and product/application of skills.
5. Includes a space that provides clear evidence of student input into the decision-making process. (Essential Question, Specific Learning Objectives, Personal Learning Goals, choice in activities, product)
6. Includes a space that provides clear evidence of the partnership between the school, family representative, community, and student.
7. Includes a space for activity assessment information.

b. *Equitable Access*

1. Accessible to all students, including students who have attendance issues, are failing classes, have diverse learning needs, are non-responsive to traditional teaching methods, and/or receiving additional services (i.e. IEP, Gifted, 504, EL).
2. Employs culturally competent and responsive practices.
3. Students with IEPs and 504 plans are given support and accommodations in order to effectively present their work.

c. *Stakeholder Involvement*

1. Promotes working partnerships with students, families, schools and communities.
2. Utilizes trained/skilled staff.

d. *Safety and Wellness*

1. Promotes a safe learning environment and sets guidelines for supervision of student(s).
2. Nurtures positive relationships among staff and participants.
3. Program activities address physical, cognitive, social, creative, and emotional development.

e. *Program Supervision*

1. Clearly identifies the certified faculty member who will oversee and assess student's progress in the ELO and to ensure that the student receives appropriate elective credit which is recorded on the student transcript.
2. The ELO plan/template is assessed, revisited and updated on a regular basis.
3. Timeline of student progress checks is included in the plan.

7.17.5. **Criteria to award a student a certificate of completion and credit for completing an approved ELO.**

1. Assessments of ELOs shall be based upon the process and work product described in the application and learning plan.
2. Once the student satisfactorily completes the ELO, a signed copy of the ELO application shall be placed in the student cumulative record to document the standards by which the credit was awarded and transcribed.

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
1.10	System Philosophy, Vision and Mission	1	Governing Principles: Vision, Mission Core Beliefs	
1.12	System Legal Status	2.1	System Legal Status	
2.10	Scope of the School System	Deleted	Scope of the School System	Covered by State Law
2.11	Qualifications of Board Members	2.2.2	Qualifications of Board Members	
2.12	Board Member Orientation, Training and Evaluation	2.5	Board Member Training	
2.13	Terms of Board Members	2.2.1 ; 2.2.4; 2.2.5; 2.2.6	Composition; Vacancies; Resignation of Board Members; Reprimand, Censure and Removal from Office	
2.20	Board Responsibilities, Authority and Ethics	2.3	Duties and Authority of Board Members	
2.21	Organization and Officers of the Board	2.2.3; 3.15	Officers; Authority to Execute Contracts	
2.22	Board Meetings	2.6	Board Meetings	
2.23	School Board Policy	2.3	Duties and Authority of Board Members	
2.24	Board Member Compensation	2.4	Board Member Compensation	
2.25	School Improvement and Education Accountability	7.1.1; 7.4	Curriculum and Educational Programs Offered; Testing	
2.26	Special Committees of the School Board	Deleted	Deleted	
2.30	Legal Counsel - Board	3.9.5	Consultants	
2.31	Board and Superintendent Relations	2.7	Superintendent's Responsibilities, Qualifications, and Appointment	
3.10	Administrative Organization	2.6; 2.7	Board Meetings; Superintendent's Responsibilities, Qualifications, and Appointment	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
3.12	Calendar, Length of School Day and School Year	Deleted	-	Adequately covered by state law.
3.13	Superintendent Selection	2.7	Superintendent's Responsibilities, Qualifications,	Streamlined based on state law
3.20	Qualifications of the Superintendent	2.7.1	Role, Responsibilities, Qualifications, and Term	Qualifications may be set by Board at time of each search
3.21	Contract of the Superintendent	2.7.1	Role, Responsibilities, Qualifications, and Term	Included in contract
3.22	Duties of the Superintendent	2.6; 2.7	Board Meetings; Superintendent's Responsibilities, Qualifications, and Appointment	Adequately covered by 2.6, 2.7 and contract
3.24	Opening and Closing of Schools	4.9.1	Opening and Closing of Schools: Normal Opening and Closing Times	
3.24.1	Care of Students Before and After School	4.9.1	Normal Opening and Closing Times	Balance of 3.24.1 to be included in procedure.
3.25	Emergencies	4.9.2	Authority of Superintendent to Close Schools Based on Emergencies	
3.30	Responsibilities of Principals	Deleted	-	Covered by Principal contracts
3.40	Safe and Secure Schools	4.1	Safety and Security/Access to Schools	
3.43	Prohibition of Harassment	4.8.4; 4.8.5; 5.15; 6.10	Prohibited Conduct; Reporting Prohibited Conduct; Anti-Harassment; Student Sexual Harassment	
3.44	Equal Opportunity	5.14; 6.8; 6.9	Equal Employment Opportunity; Equal Educational Opportunities; Title IX	
3.45	Tobacco Use in System Facilities	4.2.4	Tobacco/Electronic Cigarettes	
3.50	Public Information	4.17	Public Relations	
3.51	Copying of Public Records	Deleted	-	Covered by state law and procedure
3.61	School Ceremonies and Observances	4.9.4; 6.11.6	Ceremonies and Observances; Voluntary Religious Expression	Religious expression covered in 6.11.6, moment of reflection and pledge of allegiance covered in 4.9.4

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
3.70	School Volunteers	4.1.4	Access Restrictions Authorized	Most of 3.70 converted to procedure.
3.80	Communicable Diseases	4.15	Public Health Precautions and Infectious Disease Mitigation	Streamlines policy; authorizes procedures from Superintendent
4.10	The Curriculum	7.1	Curriculum and Educational Programs Offered	Existing Policy converted to procedure
4.11	Special Education	7.1.2	Special Education	Streamlined policy with more detail to be included in authorized procedures.
4.12	At-Risk and Alternative Education Programs	7.1.3	At-Risk, Alternative Education, Career Awareness and Summer Programs Programs	Streamlined policy.
4.13	Homework	Deleted	-	Handled at School Instructional level
4.14	Summer Programs	7.5	Summer School Operations	Accompanying procedure to be adopted
4.16	Student Fees, Fines and Charges	6.3; 7.2.1	Student Fees, Fines, and Charges; Textbooks	
4.17	Dual Enrollment	7.6	Dual Enrollment	
4.18	Study/Work Release Programs	6.7; 7.9	Student Employment (Work Release); Career and Technical Education Programs	Portion moved to Procedure re new Section 7.9
4.20	Classroom Instructional Support Funds	3.21	Instructional Support	
4.21	Instructional Materials and Textbook Management	7.2	Textbooks and Reproduction of Copyrighted Materials	
4.22	Library Media Centers	7.14	School Media Centers and Selection of Instructional Materials and Materials for School	Moved to procedure; see new Procedure ref. 7.14
4.23	Library Enhancement Materials Selection	7.14	School Media Centers and Selection of Instructional Materials and Materials for School	Moved to procedure see new Procedure ref. 7.14

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
4.30	Challenged Materials	7.14	School Media Centers and Selection of Instructional Materials and Materials for School	Moved to procedure; see new Procedure ref. 7.14
4.31	Controversial Issues	7.14	School Media Centers and Selection of Instructional Materials and Materials for School	Moved to procedure; see new Procedure ref. 7.14
4.33	Animals on School Premises	4.12	Animals in Public Schools	Added federal requirements re service animals; moved remainder of policy to procedure re non-service animals.
4.42	Public Appearance of School Groups	6.5	Off-Campus Events	Details of previous policy moved to procedure
4.43	Field Trips	6.5	Off-Campus Events	Details of previous policy moved to procedure
4.44	School Functions	6.5	Off-Campus Events	Details of previous policy moved to procedure
4.50	Student Clubs and Organizations	6.4	Extracurricular Activities	Revised and updated
4.51	Student Publications	6.6	Student Publications	Procedure to be developed
4.60	Assessment Program and Test Results	7.4	Testing	Procedure to be developed
4.61	Test Security	7.4	Testing	Procedure to be developed including content of previous policy 4.61.
4.71	Report Cards and Grading Scale	7.3.5	Report Cards	Procedure to be developed
4.80	Transfers from Non-Accredited or Home Schools	7.3.3	Transfer Students	
4.81	Career Technical Cooperative Education	Deleted	-	Moved to Procedure
4.82	Safety in Career Technical Classes	7.9.3	Career and Technical Education Programs: Safety	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
4.83	Career Technical Program Equipment Maintenance, Repair, Replacement and Disposal	Deleted	-	Moved to Procedure
4.84	Live Work in Career Technical Programs	7.9.2	Live Work	
4.85	Placement and Follow-Up of Career Technical Graduates	7.9.4	Career Placement	Portion moved to Procedure.
4.87	Federal Programs	7.16	Title I Federal Programs	
4.89	Homebound Instruction	7.1.2	Special Education	
4.90	Reproduction of Copyrighted Materials	7.2.2	Reproduction of Copyrighted Materials	
4.93	Program for Limited English Proficient Students	7.1.4	Program for Limited English Proficient Students	
4.94	Virtual Pathway Program	7.8	Virtual Pathway Program	
5.10	Admittance/Enrollment Requirements	6.1.5	Admission/Enrollment Requirements	
5.11	Kindergarten Admission	6.1.1	Kindergarten Age Requirement	
5.12	First Grade Admission	6.1.2	First Grade Age Requirement	
5.17	Student Rights and Responsibilities	6.11; 6.14	Protection of Pupil Rights; Student Conduct	Portion covered by Student Code of Conduct
5.20	Graduation Requirements	7.12	Graduation, Certificate of Completion, and Commencement	
5.21	Participation in Graduation Ceremonies	7.12	Graduation, Certificate of Completion, and Commencement	
5.22	Class Rankings and Weighted Credit	7.3; 7.3.2; 7.3.7	Academic Standards; Weighted Grading Scale; Class Rankings	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
5.23	Honor Graduates	Deleted	-	Included in Graduation Requirements procedure
5.26	Student Promotion and Retention	7.3.4; 7.3.6; 7.3.8; 7.5	Special Education Grading Standards; Promotion and Retention; Credit Recovery; Summer School Operations	
5.27	Supervision of Low Risk Juvenile Sex Offenders	6.24	Supervision of Low Risk Juvenile Sex Offenders	
5.28	Jamari Terrell Williams Student Bullying Prevention Act	6.22	Jamari Terrell Williams Student Bullying Prevention Act Policy	
5.29	Due Process	4.7.4; 6.14	Student Disciplinary Matters; Student Conduct	To be addressed in Code of Conduct or moved to accompanying procedure.
5.30	Student Conduct and Supervision	6.14	Student Conduct	
5.30.1	Corporal Punishment	6.17	Corporal Punishment/Use of appropriate physical contact or intervention	
5.30.2	Physical Restraint and Seclusion	6.16	Physical Restraint and Seclusion	
5.31	Interrogations and Searches / Detention, Search, and Seizure	6.15	Searches (Students)	
5.31.1	Use of Video Surveillance Equipment	4.16	Use of Audio/Video Surveillance Cameras and Equipment and Metal Detectors on School	Revised to be compliant with FERPA and new state law
5.31.2	Use of Metal Detectors	4.16.5	Use of Metal Detectors	
5.31.3	Unannounced Visits by Law Enforcement	Deleted	-	Covered by admin code and student code of conduct
5.31.4	Use of Canine Enforcement	Deleted	-	
5.32	Deadly Weapons	4.2; 4.2.1	Safe Schools Policy; Prohibition on the Possession of Weapons	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
5.33	Expulsion	6.18	Student Suspension and/or Expulsion	Covered generally in 6.18. Create procedure from 5.33
5.33.1	Student Grievances	4.7.3	Student Complaints and Grievances	Terms of 5.33.1 moved to procedure - Assure that Lee County has separate Title IX/sexual harassment procedure. <u>(yes)</u>
5.34	Student Check-Out	Deleted	-	Moved to Procedure
5.40	(Student) Attendance and Absences	6.1; 6.1.7; 6.1.8	Compulsory Attendance and Entrance Age; Absences and Excuses; Truancy and Early Warning	
5.41	Compulsory School Attendance Age	6.1	Compulsory Attendance and Entrance Age	
5.42	Revocation of Driver's License or Learner's Permit	6.20	Driver's License	Procedures to be developed.
5.43	Truancy	6.1.8	Truancy and Early Warning Program	
5.45	Alcohol, Illegal Drugs at System Activities	6.18.2	Drugs or Alcohol	
5.60	Student Injury	6.13.3	Reporting of Student Injury	
5.62	Administration of Medication	Deleted	-	Converted to Procedure
5.64	Eye Protection Devices	Deleted	-	
5.68	Automated External Defibrillator (AED) Use	6.13.4	Automated External Defibrillator (AED)	Also converted to procedure.
5.70	Student Records	6.12	Student Records	Deleted
5.72	Parental Notification	Deleted	-	Deleted
5.73	Parent Involvement	7.15	Parent and Family Engagement	
5.80	Co-Curricular and Extracurricular Activities	6.4	Extracurricular Activities	
5.81	Athletics	6.4.2	Athletics	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
5.90	Acceptable Use of Technology Resources	4.10	Employee and Student Acceptable Use of Technology and Related Resources	
5.91	Cell Phone Use	6.19	Electronic Communication Devices	
5.92	Jason Flatt Act	6.23	Suicide Awareness and Prevention	
6.10	Equal Opportunity for Employment	5.14	Equal Employment Opportunity	
6.11	Employment Status (and Time Schedules)	5.1.2	Employee Qualifications and Duties: Special Requirements	
6.12	Posting Vacant Positions and Recruitment	Deleted	-	Covered by statute.
6.13	Job Descriptions	5.1.1	General Requirements	
6.14	Conflicts of Interest	5.7	Employee Conflicts of Interest	
6.14.1	Gifts	5.23	Gifts to Personnel	Their old policy also referenced gifts to students.
6.14.2	Use of System-Owned Equipment and Materials	4.4; 5.7(f),(g)	Use of Board Property; Employee Conflicts of Interest	
6.14.3	Tutoring for Pay by Certified Personnel	5.7(d)	Employee Conflicts of Interest	
6.14.4	Use of System Owned Vehicles	5.1.2(c)	Employee Use of System-Owned Vehicles	Covered by 05/15/2015 Procedure and admin regulations dated 9/08/15 as procedure for use of vehicles.
6.15	Nepotism	5.3.6	Nepotism	
6.16	Employment Requirements	5.1; 5.1.4	Employee Qualifications and Duties; Certification Requirements	
6.16.1	Medical Examinations	5.1.2(d)	Fitness for Duty Examinations	
6.17	Use of Federal Funds for Teachers to Become Highly Qualified	7.16.5	Federal Funds for Highly Qualified Status	
6.18	Extra Duties and Staff Meetings	5.1.2(a)	Special Requirements	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
6.20	Substitute Teachers	5.1.2(e); 5.1.4(b),(c)	Substitute Employees; Long-term Substitute Teachers; Substitute Teachers	
6.21	Non-Probationary Status/Tenure / Continuing Service Status/Tenure	5.4	Employment Status and Assignments	
6.30	Violation of Law	5.1.3	Violation of Law. Regulations, Policy, Procedures or Alabama Educators Code of Conduct	
6.30.1	Possession of Deadly Weapons	4.2	Safe Schools Policy	
6.30.2	Self-Reporting Arrest or Conviction	5.22	Self-Reporting Arrest or Conviction	
6.32	Political Activities	4.11	Political Activity	
6.33	Professional Organizations	Deleted	-	Covered by law
6.41	Employee Problem Resolution/Grievances	4.7.1	General Complaints (Grievances)	
6.43	Dual Employment	Deleted	-	Covered by law
6.45	Salary Supplements	3.12.1; 5.5	Salaries and Pay Rates; Compensation - Salary and Hourly Wage Schedules, Prior Experience Credit and Supplements for Non-Teaching Supplemental	
6.50	Suspension, Termination, Separation	5.1.1(m)	General Requirements (Students First Act)	
6.60	Performance Assessment	5.8	Employee Evaluations	
6.62	Health Insurance Portability and Privacy	Deleted	-	Covered by law
6.70	Notification of Absence	5.10.2	(Employee) Absences	
6.70.1	Annual Leave of Absence	5.10.6	Personal Leave	Portions to be Included in Procedure
6.70.2	Vacation Leave	5.10.7; 5.11.6	Vacation; Use of Vacation and Sick Leave	
6.70.3	Family and Medical Leave	5.11	Family and Medical Leave Act (FMLA)	
6.70.3.1	Military Family and Medical Leave	5.11.4	Military Family Leave Provided by the Act	
6.70.4	On-the-job Injury	5.10.5	On-The-Job Injury Leave	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
6.70.5	Legal Service - Jury Duty Leave	5.10.10	Court Leave	
6.70.6	Military Leave	5.10.9	Military Leave	
6.70.7	Personal Leave	5.10.6	Personal Leave	
6.70.8	Professional Leave and Leave for Training	5.10.8	Professional Leave	
6.70.9	Sick or Bereavement Leave	5.10.4	Sick Leave	
6.70.10	Intermittent Leave	5.11.5	Intermittent Leave	
6.70.11	Maternity Leave	5.11	Family and Medical Leave Act (FMLA)	
6.70.12	Administrative Leave Policy	5.13	Administrative Leave	
6.71	Sick Leave Bank	5.12; 5.10.11	Sick Leave Bank; Catastrophic Sick Leave	
6.72	Drug-Free Workplace	5.18	Drug-Free Workplace	
6.80	Drug and Alcohol Testing	5.19	Drug and Alcohol Testing of Safety Sensitive Employees	
6.82	Personnel Records	5.9	Personnel Records	
6.83	Employee Salary Schedules	3.12.1	Salaries and Pay Rates	Employee Salary Schedule moved to 5.5 Procedure
6.85	Employee Salary Deductions	3.12.3	Salary Deductions	
6.87	Overtime - Non-Supervisory Personnel	3.12.5	Minimum Wage and Overtime	
6.90	Transfers	5.4.2	Transfers/Re-assignments	
6.91	Reduction in Force - Certified Employees	5.16; 5.16.2	Reduction-In-Force; Criteria for Implementing Layoffs	
6.91.1	Reduction in Force - Non-Certified Staff	5.16; 5.16.2	Reduction-In-Force; Criteria for Implementing Layoffs	
6.92	Retirement	Deleted	-	Covered by Students First Act
6.93	Resignation	Deleted	-	Covered by Students First Act
7.10	Fiscal Year	3.2	Budget	
7.11	Budget Development	3.2	Budget	Part moved to Fiscal Procedures
7.12	Accounting and Reporting	3.3; 3.5; 3.6; 3.22	Accounting; Governmental Funds and Fund Balance Policy; Audits; Accountability Reports	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
7.13	Reconciliations	3.5.3	Reconciliations	Part moved to Fiscal Procedures
7.14	Chief School Financial Officer	3.1	Chief School Financial Officer	
7.15	Depository of Funds	3.9	Deposit and Expenditure of Funds	
7.16	Authorized Signatures	3.9.8	Authorized Signatures	
7.17	Line Item Transfer Authority	3.2 (¶13)	Budget	
7.21	Fees/Tuition	6.1; 6.3	Compulsory Attendance and Entrance Age; Fees/Tuition; Student Fees, Fines, and Charges	
7.22	School Stores	Deleted	-	
7.23	Payroll Procedures	3.12; 3.12.2; 3.12.3; 3.12.4	Employee Compensation; Salary Administration; Salary Deductions; Fiscal Procedures	Part moved to Fiscal Procedures
7.24	Travel Expense Reimbursement	3.10.3; 3.13	Travel Policy; Expense Reimbursement	
7.25	Payroll Direct Deposit	3.12.2	Salary Administration	Covered by fiscal procedures
7.28	Governmental Funds	3.5	Governmental Funds and Fund Balance Policy	
7.31	Food Service Funds	3.16	Child Nutrition Procurements	
7.32	Investment of Funds	3.9.2	Investments	
7.33	Reserve Funds	3.2; 3.9.4	Budget; Reserve Funds	
7.34	Local Tax Revenue	Deleted	-	Covered by state law
7.35	Food Service Charged Meals	3.14.3	Food Service Charges	
7.40	Bonded Personnel	3.9.9; 3.15	Debt Management; Authority to Execute Contracts	
7.41	Indebtedness	3.9.7; 3.9.8; 3.15; 3.17	Purchases in violation of state law, policy or procedure; Authorized Signatures; Indebtedness; School Accounts	
7.42	Insufficient Funds and Worthless Checks	3.14.5	Worthless Checks	Covered by fiscal procedures
7.60	Purchasing	3.4.2; 3.8; 3.9.3; 3.9.6; 3.9.7	Local School Finance Manual; Purchasing; Expenditures; Competitive Bid Law and Public Works Law; Purchases in violation of state law, policy or procedure	
7.61	Bidding	3.9.6	Competitive Bid Law and Public Works Law	

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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
7.62	Sale, Transfer, and Disposal of Real Property	3.7.1	Real Property	Covered by Ala. Act 2014-133
7.63	Lost or Stolen Property	3.7.3	Lost or Stolen Property	
7.64	Property Management	3.7.2	Inventory	
7.65	Purchase Orders	3.4.2; 3.8; LFS Finan. Proc. V.1.j.	Local School Finance Manual; Purchasing	
7.67	Acquisition, Use and Exchange of School Property	3.4; 3.7; 3.10.5; 4.4.1	Financial Procedures and Local School Finance Manual Authorized; Property Management and Inventories; Procurement Policy; Equipment, Supplies, Materials, Vehicles	
7.69	Vendor Relations	Deleted		Covered by Ethics Law and Fiscal Procedures
7.70	Risk Management Insurance	3.11	Risk Management	
7.80	Financial Operations of School-Related Organizations	3.18	Affiliated Organizations	
7.81	Local School Accounting	3.17; 3.18	School Accounts; Affiliated Organizations	
7.91	(School System) Borrowing Authority	3.4	Financial Procedures and Local School Finance Manual Authorized	
7.92	Prizes and Awards	3.18.4	Prizes and Awards	
7.93	Authority to Expend Funds	3.9.3	Expenditures	
8.10	Safety	4.1; 7.9.3	Safety and Security/Access to Schools; Safety	
8.14	Inspections	4.1.2	Inspections	
8.15	Emergency Drills	4.1.3	Emergency Drills	
8.20	Sanitation	4.1.6	Sanitation	
8.30	Vehicle Inspections	4.4.1	Equipment, Supplies, Materials, Vehicles	Covered by procedure
8.31	Special Use of School Buses	4.4.1	Equipment, Supplies, Materials, Vehicles	Covered by procedure
8.40	Child Nutrition Program	3.16; 4.5; 7.13.2	Child Nutrition Procurements; Child Nutrition Program; Nutrition Standards	
8.41	Meal Patterns	4.5	Child Nutrition Program (Meal Patterns)	

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Appendix B

Comparative Section Table

Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
8.42	Uncollected Charged Meals	3.14.3; 3.14.4	Food Service Charges; Documentation of Charged Meals and Approval of Non-public fund transfer	Note differences in proposed policy
8.50	Facilities	4.4.4	Renovations, Upgrade or New Construction of Board Facilities	
8.51	Supervision of Construction	4.4.4	Renovations, Upgrade or New Construction of Board Facilities	Covered by procedure
8.53	Improvements to School Plants and Grounds	4.4.4	Renovations, Upgrade or New Construction of Board Facilities	Covered by procedure
8.60	Technology and Telecommunication Plan and Electronic Communication Use	4.10	Employee and Student Acceptable Use of Technology and Related Resources	
8.61	Remote Access to System Technology	4.10.13(d)	Employee and Student Acceptable Use of Technology and Related Resources	Covered by procedure
8.62	Wellness	7.13	School Wellness	
8.70	Information Management System	4.10.14	Information and Learning Management Systems	
8.80	Records Retention and Disposal	2.8; 4.16.4	Recordkeeping and Retention of Board Records; Audio and Video Retention and Access	Covered by procedure
9.20	Public Information/Relations	4.17	Public Relations	
9.30	Use of Facilities	4.4.3	Use of Board Facilities	Covered by procedure
9.40	Advertising in Schools	4.18	Advertising, Canvassing or Solicitation on School Property	
9.50	Distribution of Literature and Materials to Students	4.18(d)	Advertising, Canvassing or Solicitation on School Property	
9.60	Visitors	4.1.4	Access Restrictions Authorized	Covered by procedure
9.70	Relations with Governmental Authorities	Deleted	-	
9.80	Public Gifts to Schools	Deleted	-	Covered by statute

**Lee County Schools Policy Manual
Appendix B
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Former Policy Number	Old Title	New Policy Number or Deleted	New Title	COMMENTS
9.91	Relations with Education Research and Service Centers	Deleted	-	