



# **Madison City Schools**

## Board Policy Manual

## **Board Policy Manual**

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**Policy 1.01: Vision Statement**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

Empowering students for global success.

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**Policy 1.02: Mission Statement**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

The City of Madison Board of Education, with effective leadership and community cooperation, will provide all students a nurturing environment, an uncompromising excellence in instruction, a relevant and rigorous curriculum and state-of-the-art facilities so that they can achieve their fullest potential, strive toward global learning, compete globally in the work force and contribute positively to society.

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**Policy 1.03: Preface and Definitions**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

## **Preface**

The City of Madison Board of Education is established under authority of state law for the purpose of exercising general supervision and administration of the public schools serving school age children who are eligible to attend Madison City Schools. Those responsibilities are met, in part, by the adoption and implementation of formal policies by which the principles that guide decision making are established.

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

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

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

## **Definitions**

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

- a. "Alabama (State) Department of Education" means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE § 16-2-1, et seq. (1975).
- b. "Board" or "Board of Education" means and refers to the City of Madison Board of Education.
- c. "Certified" or "certificated," when used to modify the words "teacher," "personnel," "employee," "staff," or similar terms, means and refers to Board employees who hold certificated or comparable forms of licensure issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975).
- d. "Classified" or "support," when used to modify the words "personnel," "employee," "staff," or similar terms, means and refers to Board employees who do not hold certificates issued by the State Superintendent of Education under authority of ALA. CODE §16-23-1 (1975) and who, in general, hold employment positions of the type identified in ALA. CODE §36-26-100 (1975), of the Code of Alabama (1975).
- e. "He," "his," or "him" means and includes all genders.
- f. "Law" includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- g. "State" means and refers to the State of Alabama.
- h. "State Board of Education" means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE § 16-3-1, et seq. (1975).

- i. “System” or “school system” means and refers to all schools, facilities, and operations of the City of Madison Board of Education.

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

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**Policy 2.01: Board Composition and Organization**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 06/12/2014 | **Last Reviewed Date:** 06/12/2014

**2.01.1 Composition** – The City of Madison Board of Education is composed of five (5) members who are appointed to five-year staggered terms by the Madison City Council. Board members must be residents of the City of Madison and may not be a member of the City Council.

[Reference: ALA. CODE §§16-11-2, 3 (1975)]

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

[Reference: ALA. CODE §§16-11-5, 16-12-3 (1975)]

**2.01.3 Committees** – The Board may divide itself into standing or special committees for the purpose of more efficiently conducting Board business, but no recommendation or action of any committee will bind the Board without the affirmative vote of a majority of the whole Board. The Board President will assign Board members to standing or special committees and appoint a chair.

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

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**Policy 2.02: Duties and Authority of Board Members**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/28/2012 | **Last Reviewed Date:** 11/28/2012

The Board has the authority and responsibility to administer and supervise the public schools that are located within Madison, Alabama. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board. It shall be the responsibility of board members to comply with the board's bylaws and code of conduct adopted in accordance with the Alabama School Board Governance Improvement Act of 2012.

[Reference: ALA. CODE §§16-1-41.1 (2012)]

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**Policy 2.03: Board Member Compensation**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

Notwithstanding authorization under state law for compensation to members of boards of education, it is the policy of the Board that its members shall not receive compensation. Board members, however, may be reimbursed for expenses incurred in the performance of their official duties as authorized by law.

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**Policy 2.04: Board Member Training**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

2.04.1 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.

2.04.2 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.

2.04.3 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: ACT OF ALABAMA 2009-297]

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**Policy 2.05: Board Meetings**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/31/2022 | **Last Reviewed Date:** 10/31/2022

**2.05.1 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)]

**2.05.2 Time and Place** – The times and places for regularly scheduled meetings will be established by the Board in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances.

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

**2.05.3 Special (Called) Meetings** – Special meetings shall be called by the president (or chairperson) of the board, upon the written request (which may be conveyed by electronic mail) of a majority of the members of the board to the president, 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.

**2.05.4 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.

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

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

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

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

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**Policy 2.06: Superintendent's Responsibilities, Qualifications, and Appointment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

2.06.1 Role, Responsibilities, Qualifications, and Term – The Superintendent serves as the chief executive officer of and secretary to the Board. The Superintendent may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Superintendent must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board. The term of the Superintendent's appointment will be established by contract and may be renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

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

2.06.2 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.

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**Policy 2.07: Recordkeeping and Retention of Board Records**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 2.08: Association Membership**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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**Policy 3.01: Chief School Financial Officer**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

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

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**Policy 3.02: Budget**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/18/2020 | **Last Reviewed Date:** 05/18/2020

A budget will be developed and approved for each fiscal year, which extends from October 1st to September 30th of the following year. Preparation, presentation, submission, and approval of the budget will be undertaken and completed as provided for in state law and regulations. 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 in accordance with instructions from the Alabama State Dept of Education for approval by the Board.

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 prevent the establishment or maintenance of a one-month's operating balance reserve fund equal to one-twelfth of the general fund expenditures and outgoing transfers for the proposed budget or amendment.

The Board's goal is to maintain a one and one-half months (i.e., 45 days) operating balance reserve fund equal to one and one-half twelfths of the general fund expenditures and outgoing transfers in the current Board-approved budget. However, that goal is not intended to supplant the reserve fund balance requirements

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

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**Policy 3.03: Accounting**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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 State Fiscal Accountability Act.

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**Policy 3.04: MCS Financial Procedures Authorized**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

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

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**Policy 3.05: Fund Balance Policy in Accordance with GASB Statement No. 54**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

**3.05.1 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.

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

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

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

**3.05.4 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.

**Policy 3.06: Audits**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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)]

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**Policy 3.07: Inventories**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

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

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**Policy 3.08: Purchasing**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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 the MCS Financial Procedures.

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**Policy 3.09: Deposit and Expenditure of Funds**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/18/2020 | **Last Reviewed Date:** 05/18/2020

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

**3.09.2 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, 16-11-9]

**3.09.3 Expenditures** – The Superintendent or his designee may spend funds budgeted for operations in an amount not to exceed \$15,000 per transaction without prior Board approval unless the expenditure involves a capital outlay or is subject to the bid law. The term "transaction" and the limit specified above applies to the transaction as a whole and not to portions, segments, or phases of a project of undertaking. 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).

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

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

**3.09.5 Consultants** – The Superintendent may engage 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. The Superintendent's authorization for such engagements is subject to any restrictions imposed by law and the following terms and conditions:

- a. The engagement is for a term not to exceed ninety calendar days and for which the total fees and costs are not expected at the time of engagement to exceed \$15,000.00.
- b. The restrictions on expenditures contained in this policy shall apply to the total expenditure in question, and

payments may not be made in installments or otherwise divided in order to avoid the restrictions.

- c. The board-approved budget must contain funds for the expenditure;
- d. The transaction and payment shall meet other applicable legal requirements, if any (e.g., the bid law);
- e. This policy shall not be effective if formal Board action and approval is otherwise required by law;
- f. 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).
- g. 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.

3.09.6 Competitive Bid Law and Public Works Act – All purchases will be made in compliance with the competitive bid law and Public Works Act, when applicable, and with such corresponding rules, regulations, and procedures as may be set forth in the MCS Financial Procedures. The Superintendent is authorized to enter into cooperative purchasing agreements with other school systems or local governments as may be permitted by law.

[Reference: ALA. CODE §41-16-50, et seq. (1975), ALA. CODE §39-1-1, et seq.(1975)]

3.09.7 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.

#### 3.09.8 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.
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**Policy 3.10: OMB Part 200**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 06/06/2019 | **Last Reviewed Date:** 06/06/2019

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:

- A. 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.

B. Determination of Allowable Costs -

1. 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 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.
2. 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.

- C. 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.

- D. 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 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.

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.

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.

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.

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:

1. Avoid acquisition of unnecessary or duplicative goods and services;
2. Use the most economical and efficient approach for acquisitions;
3. Award acquisitions contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the proposed procurement;
4. Consider contractor integrity, compliance with public policy, record of past performance, and financial and technical resources prior to awarding procurement contracts;
5. Maintain records sufficient to document the history of the procurement; and,
6. 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.

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**Policy 3.11: Risk Management**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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.

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**Policy 3.12: Employee Compensation**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

**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 rates of pay that are approved by the Board. When required, such salary or compensation rates will be included in a schedule to be developed and adopted by the Board in accordance with state law. Employees may receive supplements or other additional compensation when specifically approved by the Board. All compensation must be approved by the Board, regardless of the source of funding.

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

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

- a. The payment is voted on and approved by the membership of the booster or support organization that proposes to fund the supplement at a regular meeting of the organization;
- b. Funding for the payment must be sufficient to cover benefits, expenses, and other payroll costs, contributions, and liabilities, if any;
- c. Sufficient unobligated funds are on hand to provide the supplemental payment;
- d. The payments are accepted by the employee with the understanding that they do not constitute a part of any employment contract, salary schedule, or legal obligation that is enforceable against the Board, and that the Board has no continuing obligation to maintain supplemental payments to any employee that are provided, funded, or underwritten by a booster club, support organization, or similar third party; and
- e. The payments are subject to any payroll deductions that are required by law.

**3.12.3 Salary Administration** – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months, regardless of the contract term. However, 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. Compensation may be withheld pending the employee's timely, accurate, and complete submission of all required records, data, and reports.

**3.12.4 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 ten percent (10%) of 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.

[Reference: ALA. CODE §§ 16-22-6 , 17-17-5 (1975)]

**3.12.5 Minimum Wage and Overtime** – In compliance with the Fair Labor Standards Act ("FLSA"), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Sunday and ends at midnight on the succeeding Saturday. All non-exempt employees who work more than forty (40) hours in a work week will 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.

3.12.6 Compensatory Time - Non-exempt employees who work more than forty (40) hours in a workweek will be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may "pay down" any compensatory time balance in its discretion. The Superintendent is hereby authorized to develop procedures and forms for use in implementing this policy.

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**Policy 3.13: Expense Reimbursement**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

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**Policy 3.14: Fees, Payments, Rentals, and Charges**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 07/26/2022 | **Last Reviewed Date:** 07/26/2022

**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 MCS 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 Madison City 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** 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.

**3.14.4 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 City of Madison Board of Education. Madison City 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 Madison City 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.

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**Policy 3.15: Authority to Execute Contracts**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

3.15.2 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.

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**Policy 3.16: Child Nutrition Procurements**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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.]

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**Policy 3.17: School Accounts**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with the MCS Financial Procedures, and such procedures, rules, and regulations as may be developed by the Chief School Financial Officer or the Superintendent. The principal is ultimately responsible for all school funds and for ensuring that such funds are properly accounted for and secured. Principals shall not permit the school, a school-sponsored organization, or a school-related organization to incur debt on behalf of the school.

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**Policy 3.18: Affiliated Organizations**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

**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 Madison City 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.

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**Policy 3.19: Fundraising**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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.
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**Policy 3.20: Employee Fundraising and Crowdfunding**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/02/2017 | **Last Reviewed Date:** 11/02/2017

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.

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**Policy 3.21: Instructional Support**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/21/2014 | **Last Reviewed Date:** 10/21/2014

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

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

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**Policy 4.01: Security / Access to Schools**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/12/2021 | **Last Reviewed Date:** 10/12/2021

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

**4.01.2 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 must observe appropriate decorum and respect administrative requirements and restrictions regarding their activities and interaction with faculty, staff, and students while on Board property. 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.

**4.01.3 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.

Reference: Ala. Code § 15-20A-17

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**Policy 4.02: Safe Schools Policy (Drugs, Alcohol, Tobacco, and Weapons)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 02/06/2020 | **Last Reviewed Date:** 02/06/2020

**4.02.1 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 city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

**4.02.2 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 city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

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

**4.02.3 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 city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.

4.02.4 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)]

4.02.5 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)]

4.02.6 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)]

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

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**Policy 4.03: Accreditation**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/05/2020 | **Last Reviewed Date:** 11/05/2020

The Board will implement and adhere to such accreditation policies, principles, standards, and procedures as may be established or required by Cognia as a condition to receiving or maintaining accreditation.

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**Policy 4.04: Use of Board Property**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 03/08/2018 | **Last Reviewed Date:** 03/08/2018

**4.04.1 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.

**4.04.2 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.

**4.04.3 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.

**4.04.4 Renovations or Upgrade to Board Facilities** - Any work performed to renovate or upgrade Board facilities must be Board approved, notwithstanding the source of the labor or funds.

**4.04.5 Advertising** – The Superintendent is authorized to develop guidelines and procedures governing commercial advertising on Board property for approval by the Board.

**Policy 4.05: Naming Board Facilities**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/17/2014 | **Last Reviewed Date:** 12/17/2014

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

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**Policy 4.06: Complaints and Grievances**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/08/2018 | **Last Reviewed Date:** 05/08/2018

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

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

**4.06.3 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.

**4.06.4 Student Disciplinary Matters** – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.

**4.06.5 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.]

**Policy 4.07: Emergency Closing of Schools**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/17/2014 | **Last Reviewed Date:** 12/17/2014

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

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

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**Policy 4.08: Employee and Student Acceptable Use of Computer Technology and Related Resources**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 07/10/2023 | **Last Reviewed Date:** 07/10/2023

**4.08.1 General** – To facilitate achieving a quality education for its students, it is the policy of the Board of Education (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.
- b. 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.
- c. School computers, networks, e-mail and Internet access are provided to support the educational mission of the Madison City 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.
- d. "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 Madison City School System reserves the right to suspend community use at any time without notice.
- e. 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.

**4.08.2 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.

**4.08.3 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 in 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.

**4.08.4 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 Madison City Schools, the access to systems and applications shall be immediately terminated unless continued access is approved in writing by the Madison City 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 Madison City Schools Superintendent and the DoT.

4.08.5 Data Networks – The Madison City 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 MCS 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.

4.08.6 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.

4.08.7 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.

**4.08.8 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 MCS 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 damages 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.

**4.08.9 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.

**4.8.10 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 of each school will be responsible for reviewing these policies at the beginning of each year with the faculty and staff and with individual employees who are hired after the initial review. The administration must have faculty and staff members sign this policy indicating they are aware of the rules and have reviewed them. 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.

4.08.11 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.

4.08.12 Electronic Mail – Electronic E-mail is available for the support of educational, instructional, extracurricular, and administrative activity. With that purpose in mind, electronic 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 device.
- 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.

4.08.13 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 Madison City 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.
- 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.

4.08.14 Learning Management Systems – The school system provides methods for students to upload and send assignment files to teachers.

4.08.15 Mass Electronic Notification Systems -

- a. General. The City of Madison 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 Madison City Schools (MCS) will be used for educational and informational purposes only and in accordance with all Madison City 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 MCS 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 City of Madison 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.

4.08.16 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 MCS students will be given a device and a charger in Kindergarten, or upon successful enrollment in MCS, and the device will travel with the student from school to school until graduation, device refreshment, or withdrawal from MCS.

4.08.17 Personal Devices – Madison City 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.

4.08.18 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.

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**Policy 4.09: Political Activity**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 02/23/2023 | **Last Reviewed Date:** 02/23/2023

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:

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.

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.

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.

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.

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.

Political signs may not be placed on school board property.

Political campaign literature and other material may not be distributed on Board property during the regular school or work day and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disrupts the event, activity, or function.

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**Policy 4.10: Service Animals in Public Schools**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/03/2022 | **Last Reviewed Date:** 05/03/2022

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

**4.10.1 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.

**4.10.2 Requirements that must be Satisfied Before a Service Animal will be Allowed on School Property**

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

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

**4.10.3 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.

4.10.4 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.

4.10.5 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.

4.10.6 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.

4.10.7 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.

4.10.8 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.

4.10.9 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.





**Policy 4.11: Intellectual Property**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/17/2014 | **Last Reviewed Date:** 12/17/2014

**4.11.1 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. Employee 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.

**4.11.2 Third Party Works** - A "Third Party" in this section shall mean a party that is not an employee or an employee-hired independent contractor identified in Section 1.1.4, a non-limiting example of which is a student or a parent. 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.

**Policy 4.12: School Logo Use Policy**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/17/2014 | **Last Reviewed Date:** 12/17/2014

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.

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**Policy 4.13: Public Health Precautions and Infectious Disease Mitigation**

**Status:** ADOPTED

**Original Adopted Date:** 07/30/2020 | **Last Revised Date:** 05/03/2022 | **Last Reviewed Date:** 05/03/2022

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

**4.13.2 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 Madison City Schools as long as the more restrictive procedures do not otherwise violate any law or regulation applicable to the Board.

**4.13.3 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.

**4.13.4 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.

**4.13.5 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 Madison City Schools as established by state law, local ordinance, or applicable proclamations, regulations, and orders issued by state and local health officers and public officials, 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.

**Policy 4.14: Cameras in Self Contained Classrooms**

**Status:** ADOPTED

**Original Adopted Date:** 05/19/2022 | **Last Revised Date:** 11/02/2023 | **Last Reviewed Date:** 11/02/2023

**4.14.1 Purpose and Scope** - The purpose of this policy is to require the maintenance and operation of cameras in self-contained classrooms on all campuses operated by the Board to promote and ensure the health, safety, and well-being of students and staff in self-contained classrooms. This policy does not affect or modify any other Board policies related to the use of video cameras, security cameras, or other technology.

**4.14.2 Definitions**

- i. "Board" shall mean the City of Madison Board of Education.
- ii. "Incident" means an event, circumstance, act, or omission that results in abuse, neglect, harassment, or other inappropriate behavior.
- iii. "Self-Contained Classroom" means a classroom, in which at least half of the students in regular attendance are provided special education services. This term includes any room attached to the classroom where special education services are provided and any calm down rooms, sensory rooms, and common areas.

**4.14.3 Authorization** - This policy provides general requirements and guidelines related to the operation of cameras in self-contained classrooms. 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 cameras in self- contained classrooms.

**4.14.3 Location and Operation of Security Cameras** - Cameras shall be placed in all self-contained classrooms operated by the Board. A camera shall remain in a self-contained classroom as long as the classroom continues to satisfy the definition of "self-contained classroom" found in 4.14.2. All cameras must record both video and audio. The cameras shall record audio and video during school hours and at any time a student is present in the self-contained classroom. The cameras shall cover the classroom, any common areas attached to the classroom, and any operational quiet rooms. The cameras shall not monitor restrooms, showers, or any other area where a student changes his or her clothes, except for incidental monitoring of a minor portion of a restroom or changing area because of inherent layout of the self-contained classroom.

**4.14.4 Video Retention and Access** - All audio and video recordings made by a camera placed pursuant to this policy shall be retained for a period of three months after the date the video was recorded. If the minimum three-month period overlaps with the summer break occurring between the last day of one instructional term and the first day of the next instructional term, the minimum three-month period shall be extended by the number of days occurring between the two instructional terms.

If the Superintendent or local school principal receives notice of an incident or that recordings from any such camera are needed as part of any investigation, administrative proceeding, or legal proceeding before the expiration of three months, then the Board will retain the recording until the conclusion of any investigation, administrative proceeding, or legal proceeding, including the exhaustion of all appeals. Once the retention period has expired, the video and audio recording shall 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 shall not be regularly used for teacher evaluations or any purpose unrelated to promoting and ensuring the health, safety, and well- being of students and staff in self-contained classrooms. However, the Board may consider recordings from cameras that are relevant to any investigation, administrative proceeding, or legal proceeding, including the investigation of any Incidents, in making appropriate determinations relating to students, staff, faculty, administrators or visitors.

A video recording of a student is confidential and shall not be released or viewed except as provided for by this Policy. In the event an incident is reported to the Superintendent or local school principal, the Board may allow recordings made pursuant to this policy to be viewed upon request by:

1. A Board employee or administrator who is charged with investigating an Incident;
2. The parent or legal guardian of a student, and/or authorized legal counsel for such parent or student who is involved in an Incident that is documented by the video recording.

3. Any Board employee who is involved in an Incident that is documented by the video recording;
4. Where consistent with the Family Educational Rights and Privacy Act (FERPA) and Alabama law, a law enforcement officer, state agency official, school nurse, district/ school administrator, and/or human resources staff member in response to a report of an alleged Incident;
5. 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; and
6. 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.

4.14.5 Notice - Annually, the Board shall provide parents of students in self-contained classrooms with written notice that the student will be in a classroom that has active cameras in operation. Additionally, school campuses may place, at the entrance of any self-contained classroom, a notice stating that video and audio surveillance are conducted in the classroom.

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**Policy 5.01: Employee Qualifications and Duties**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 07/26/2022 | **Last Reviewed Date:** 07/26/2022

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

- a. Employees are required to be punctual and to attend work regularly.
- b. Employees are required to perform the duties and responsibilities that are assigned to them by the Board, the Superintendent, or their supervisor(s). Such duties and assignments may extend beyond or outside the instructional day and may include off-campus functions, events, and activities.
- c. Employees are expected to treat all students, co-employees, visitors, and guests of the Board with respect. Employees are expected to demonstrate moderation, restraint, and civility in their dealings with others and, in general, to serve as appropriate role models for students in their behavior and demeanor.
- d. Employees are required to obey all laws, ordinances, Board policies, supervisory directives, and are expected to follow the Alabama Educator Code of Ethics and other pertinent authority while carrying out duties for the Board.
- e. Employees whose duties include the instruction or supervision of students must provide effective supervision, discipline, organization, and instruction of the students.
- f. Employees must complete and submit required reports accurately and in a timely fashion.
- g. Employees must respect, protect, and exercise due care in the handling, use, and operation of Board property and equipment.
- h. Employees 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 while on the job or on school premises or off campus in connection with or affecting any school related activity.

**5.01.2 Special Requirements**

- a. *Work Schedules (Teachers)* - Teacher’s schedules are determined by the principal. The minimum instructional work day for teachers is seven and one half (7.5) hours. However, 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 and preparation for the following instructional day. Teachers will be provided a minimum of thirty (30) minutes free of instructional and supervisory responsibilities each instructional day.
- b. *Work Schedules (Support Personnel)* – The Superintendent is authorized to establish work schedules, including minimum work times, for support personnel.

### 5.01.3 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 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 personnel office and who serve as a substitute teacher for over twenty (20) consecutive school days for the same permanent teacher will be paid the long-term substitute teacher rate, as indicated on the Madison City School's salary schedule.
- c. *Substitute Teachers* – Substitute teachers must, at a minimum, possess a high school diploma and valid and current Alabama Substitute Teacher's License or Alabama Teacher's Certificate.
- d. *Instructional Aides* – Instructional Aides must, at a minimum, possess (i) a high school diploma or its equivalent; (ii) a two-year diploma from a college or university (or the equivalent hours) or pass the Work Keys Assessment; and (iii) a certificate from the State Department of Education verifying a "clear" status resulting from a background check.
- e. *Bus Drivers* – In addition to the requirements established by the State Board of Education, a bus driver must: (i) hold a valid commercial driver's license, (ii) complete a minimum of twelve (12) hours of approved instruction in school bus driving, and (iii) satisfactorily complete a written examination 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)]

**5.01.4 Responsibilities During ACAP Testing** - Administrators, teachers, and other school personnel responsible for administering 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 ACAP 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 ACAP 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, or share test information or to facilitate cheating on the test, the device may be subject to search for information directly related to the ACAP test being administered. Additionally, offending school personnel shall be dismissed from testing, and students' tests may be invalidated in accordance with ACAP 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.
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**Policy 5.02: Hiring**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/17/2015 | **Last Reviewed Date:** 12/17/2015

**5.02.1 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.

**5.02.2 Qualifications** – Applicants must meet the minimum qualifications of the position as provided in Board policy, the job description for the position, the posted advertisement for the position, or as may otherwise be established by the Board, applicable law, or regulation. Applicants must hold such degrees, licenses, certificates, and like credentials as may be necessary, appropriate, or customary for the position in question.

**5.02.3 Hiring Authority** – The Board is responsible for making all final hiring decisions, and no hiring decision is official, final, or effective unless and until it is approved by a vote of the Board. No principal, administrator, supervisor, or other employee has authority to hire an applicant without Board approval or to commit the Board to specific action regarding employment.

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

**5.02.5 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]

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**Policy 5.03: Probationary Employment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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**Policy 5.04: Non-Teaching Supplemental Duties**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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**Policy 5.05: Professional Development**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 5.06: Employee Conflicts of Interest**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

- a. Employees will not engage in outside business activities or render any service for another employer during such time as duties and responsibilities have been assigned by the Board;
  - b. Employees will not accept outside employment that would interfere with or impair the ability of the employee to perform duties as a Board employee effectively;
  - c. Employees may not accept work that could compromise the employee's independent judgment in the exercise of duties for the Board;
  - d. Employees may not use or disclose confidential information acquired through Board employment for their personal gain or for the benefit of a third party.
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**Policy 5.07: Employee Evaluations**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**5.07.1 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.

**5.07.2 Non-Certified Personnel** – Non-certified personnel will be evaluated in accordance with criteria and procedures to be developed by the Superintendent and approved by the Board. The evaluation criteria and procedures will, at a minimum, include the following:

- a. A structured evaluation cycle or schedule that may include unannounced observations or assessments during the course of the evaluation period;
- b. A written evaluation form that specifies job-related evaluation criteria;
- c. Group or individual employee orientation regarding the evaluation process;
- d. An opportunity for the employee to confer with the evaluator following the evaluation; and
- e. An opportunity for the employee to disagree (in writing) with the evaluation and to have the disagreement maintained with the evaluations.

**5.07.3 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.

**5.07.4 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.

**5.07.5 Exempt Personnel** – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.

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**Policy 5.08: Personnel Records**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**5.08.1 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.

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

**5.08.3 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.

**5.08.4 Access to Personnel Files** – Board members, the Superintendent, Board administrators (including principals), employees of the Personnel 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.

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**Policy 5.09: Employee Leave**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/14/2023 | **Last Reviewed Date:** 11/14/2023

**5.09.1 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.

**5.09.2 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 Madison City 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.

All extended leave must be approved by the board.

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

- a. Sick leave (5.9.4);
- b. Job related injury leave (5.9.6);
- c. Personal leave (5.9.7);
- d. Vacation leave (5.9.8);
- e. Professional leave (5.9.9);
- f. Military leave (5.9.10);
- g. Court leave (5.9.11);
- h. Catastrophic leave (5.9.12);
- i. Unpaid study leave (5.9.13);
- j. Family and Medical Leave Act (5.10).

**5.09.4 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 or doctor's quarantine;
  2. Incapacitating personal injury;
  3. Attendance upon an ill member of the employee's immediate family, defined as a spouse, parent, child, foster child currently in the care and custody of the employee, sibling, child currently in the care and custody of the employee for whom a petition for adoption has been filed, 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.
6. Attendance upon an adopted child, who is three years of age or younger.

Sick leave taken for the purpose of attending to an adopted child may be taken for a maximum of eight weeks, or consecutive hours.

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

**5.09.5 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)]

**5.09.6 Personal Leave** – All regular, full time employees are eligible for two (2) non-cumulative personal leave days each scholastic year without loss of pay. Personal leave must be requested in writing in accordance with such procedures as may be established by the Superintendent or the Board. 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. Full time employees may choose to convert unused personal leave days to sick leave days at the end of the school year.

- a. All employees are entitled to five days of personal leave per year. Personal leave days are non-cumulative; however, unused personal leave days convert to sick leave days at the end of each school year. According to years of service, employees will pay for a substitute for personal days as follows:
  1. First two days—State allocated days for all employees (no deduction from pay).
  2. Third day—Board allocated day for employees who have completed five (5) or more years of service in the system with no deduction from pay; employees with less than five years must pay the current cost of

a substitute as posted on the Madison City School's current salary schedule.

3. Fourth day—Board allocated day for employees who have completed ten (10) or more years of service in the system with no deduction from pay; employees with less than ten years must pay the current costs of a substitute as posted on the Madison City School's current salary schedule.

4. Fifth day—Board allocated day for employees who have completed fifteen (15) or more years of service in the school system with no deduction from pay; employees with less than fifteen years must pay the current costs of a substitute as posted on the Madison City School's current salary schedule.

b. Employees are encouraged to notify their supervisor at least five working days prior to taking personal leave when at all possible. In granting personal leave to employees, each work site may have a daily limit (i.e. one person taking personal leave per ten employees on staff).

c. Personal leave shall be reported as personal with no other explanation required

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

#### 5.09.7 Vacation

a. *Vacation Benefits* – Twelve-month employees will earn vacation leave:

1. Employees with less than ten (10) years of service with Madison City Schools earn .833 days of vacation each month up to ten (10) days each scholastic year.

2. Employees with ten (10) years or more of service with Madison City Schools earn 1.25 days of vacation leave each month up to fifteen (15) days each scholastic year.

Only consecutive service as a twelve-month employee with the Madison City Schools will be considered in establishing length of service for purposes of determining vacation benefits provided by this policy.

b. *Advancement of Vacation Days* – To provide employees with the flexibility to utilize their vacation days throughout the year, eligible employees will be advanced a year's worth of vacation days at the beginning of the Board's scholastic year on July 1st.

c. *Unused Vacation Days* – Subject to the following restrictions, earned, unused vacation days as of June 30th will either carry over for use during the next scholastic year or the employee will be paid for the days:

1. Eligible employees with less than ten (10) years of service – Earned, unused vacation days up to a maximum of ten (10) days will be carried over to the next scholastic year. Employees will be paid annually for any earned, unused vacation days over that amount at the employee's current daily rate of pay as of June 30th.

2. Eligible employees with ten (10) or more years of service – Earned, unused vacation time up to a maximum of fifteen (15) days will be carried over to the next scholastic year. Employees will be paid annually for any earned, unused vacation days over that amount at the employee's current daily rate of pay as of June 30th.

d. *Separation of Employment* – Upon separation of employment (e.g., death, retirement, resignation), an employee will be entitled to payment for all unused, earned vacation at the employee's current daily rate of pay. Due to the advancement of vacation days, if an employee is separated from employment (e.g., death, retirement, resignation, termination) before earning the number of vacation days the employee has taken, the employee will reimburse the Board for used, but unearned vacation days at the employee's current daily rate of pay. By taking advanced vacation days, an employee agrees that the Board may deduct used, but unearned vacation days from the employee's final paycheck at the employee's current daily rate of pay if necessary. Upon separation from the district, the employee will not be entitled to be paid for advanced, but unearned vacation days.

e. *Scheduling* – Vacation must be scheduled with the knowledge and approval of the employee's immediate supervisor.

5.09.8 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.

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

5.09.10 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.

5.09.11 Catastrophic Sick Leave. Employees, at their discretion, may donate a specific number of days to the sick leave bank and designate the days for a specific employee for use against a catastrophic illness only 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. No employee may donate more than 30 sick leave days per calendar year to the sick leave bank for the catastrophic sick leave of any one employee.
- e. 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]

5.09.12 Unpaid Study Leave Upon written application by the employee, the Board may provide an unpaid leave of absence for up to one year to pursue study or professional growth opportunities. Such leave is available to nonprobationary certified personnel only. Except as provided to the contrary by applicable law, the employee shall not be entitled to return to the same position held before the commencement of leave, and may be assigned to a different work location or position upon return from leave at the discretion of the Board.

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**Policy 5.10: Family and Medical Leave Act (FMLA)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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

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

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

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

**5.10.4 Military Family Leave Provided by the Act**

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

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

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

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

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

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

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

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

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

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

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

**Policy 5.11: Sick Leave Bank**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

- a. *Sick Leave Bank Committee* – The Sick Leave Bank Committee will be composed of one member representing the Board and four members representing participating members of the sick leave bank.
  1. *Board Representative* – The Member representing the Board will be appointed by the Superintendent, subject to Board approval.
  2. *Participant Representatives* – The participant representatives will be selected by the sick leave bank members.
- b. *Procedures for Selecting Employee Representatives on Committee*
  1. *Nomination* – Before each election of participant representatives, the Board will hold an open nomination period. Any employee who is eligible to participate in the sick leave bank may be nominated for one of the participant representative positions. Nominations must be written and must be received in the Personnel Department by the deadline specified in a notice to be provided by the Superintendent or his designee through Board publications and other means of communication that are generally used for such purposes.
  2. *Voting* – Each eligible nominee will be placed on the Sick Leave Bank Committee ballot. Voting will take place by ballot at Board facilities at the time specified or as may otherwise be provided by the Board. Supervision of voting will be by local facility personnel. Voting members will be required to verify their ballot by signing the Board's voter record. Votes will be forwarded to the Personnel Department for final tabulation. The four candidates receiving the highest number of votes will serve as participant representatives on the Sick Leave Bank Committee.
- c. *Term of Committee Members* – Sick Leave Bank Committee members will serve for a term of one year and may not serve for more than five years.
- d. *Chairman of the Sick Leave Bank Committee* – The Sick Leave Bank Committee will elect a chairman from among its representatives at its first annual meeting. The chairman will be responsible for recording organizational minutes, for conducting meetings, and for organizing meetings as necessary.
- e. *Meetings* – The Sick Leave Bank Committee will meet at least annually following each enrollment period. The Committee will also meet as necessary in its discretion.
- f. *Sick Leave Bank Committee Duties* – The Sick Leave Bank Committee will develop proposed rules and regulations for the Sick Leave Bank, to be submitted to participating members for approval. At a minimum, said rules and regulations must include those terms and provisions that are required by statute. The Committee has the authority to review both participation in the Bank and requests for leave to ensure compliance with state law, Board policy, and such rules and regulations as may be adopted by the Sick Leave Bank Committee.
- g. *Employee Participation* – Participation in the Sick Leave Bank is voluntary and open to all full-time employees and part-time employees as specified in the employee manual of the Board. However, employee participation is subject to such rules and regulations regarding enrollment procedures, deposits, withdrawals, and participation as may be developed by the Committee.

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

**Policy 5.12: Administrative Leave**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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**Policy 5.13: Equal Employment Opportunity**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/05/2020 | **Last Reviewed Date:** 11/05/2020

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

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

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**Policy 5.14: Anti-Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/12/2021 | **Last Reviewed Date:** 10/12/2021

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.

**5.14.1 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.

**5.14.2 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.

**5.14.3 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.

**5.14.4 Complaint Procedure**

- a. *Persons Responsible for Receiving and Investigating Complaints* – The Superintendent is responsible for adjudicating complaints regarding Prohibited Harassment. The Superintendent designates the Coordinator of Personnel as the person responsible for receiving reports of alleged Prohibited Harassment. All complaints should be voiced directly to the Coordinator of Personnel. The Coordinator of Personnel can be reached at (256) 464-8370. 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 Coordinator of Personnel, 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 Coordinator of Personnel or other appropriate recipient of the complaint.

- c. *Investigation* – The Coordinator of Personnel and the Superintendent will promptly investigate the complaint, review the results of any investigation with legal counsel or other appropriate officials, make any findings that are supported by the investigation, and recommend appropriate action based on these findings. The complainant will be informed of any action that is taken as a result of the investigation.
- d. *Review by the Superintendent and the Board* – A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action or present the complaint to the Board for its review and action. In such case, the Board will render a final decision as soon as practicable.

5.14.5 Confidentiality – To the greatest extent practicable, reports of Prohibited Harassment will be kept confidential; however, complete confidentiality cannot be guaranteed because it is critical that the Board conduct a full and fair investigation.

5.14.6 Retaliation Prohibited – No retaliation or adverse action may be imposed as a result of a good faith complaint or report of harassment. If 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 Coordinator of Personnel, the Superintendent, or the President or Vice-President of the Board, as the circumstances may require.

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

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**Policy 5.15: Employee Sexual Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/12/2021 | **Last Reviewed Date:** 10/12/2021

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

**5.15.2 Definition of Sexual Harassment** – 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).

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

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

**5.15.4 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 employees who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The process and procedures will be drafted so as to provide supportive measures, facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to comply with federal regulations, and to be understandable and accessible to all employee population groups.

**5.15.5 Initial Confrontation of Accused Harasser Not Required** – An employee who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. 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.

**5.15.6 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 employees who believe that they have been subjected to sexual harassment.

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

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

disciplinary action.

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

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**Policy 5.16: Reduction-In-Force**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**5.16.1 Definition and Scope**

- a. This policy applies to reductions-in-force that are implemented by “layoffs” contemplated by Ala. Code § 16-1-33 (1975).
- b. A reduction-in-force may be declared by the Board 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 Section 6(h)(3) of the Students First Act, Ala. Act 2011-270, 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:
  - i. Seniority, longevity, or time in service that will be more specifically described in the notice of layoff that is provided to affected employees;
  - ii. Years of experience;
  - iii. Degrees, certification, or licensure;
  - iv. Specialized training and experience with particular educational programs or initiatives including but not limited to the Alabama Reading Initiative (ARI), and/or the Alabama Math, Science and Technology Initiative (AMSTI);
  - v. Job classification;
  - vi. Any requirements that may be imposed by state or federal law or court order;
  - vii. Written or otherwise documented performance evaluations that can be fairly, accurately, and objectively compared to current evaluations of other similarly situated employees for the purpose of ordering or ranking, provided that such evaluations predate the RIF announcement or declaration by not less than thirty days.

**5.16.3 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 the tenure, years of service, and the pay and benefit status they held on the effective date of their layoff. No pay, benefits, status, or additional rights will accrue or be credited to the recalled employee for the time he or she has been laid off.

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

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**Policy 5.17: Unauthorized Payments**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**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.

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**Policy 5.18: Drug-Free Workplace**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 08/08/2013 | **Last Reviewed Date:** 08/08/2013

**5.18.1 General** – It is the policy of the City of Madison 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 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. See Policy 5.22 Self Reporting Arrest or Conviction
- f. 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.
- g. 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.

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**Policy 5.19: Drug and Alcohol Testing of Safety Sensitive Employees**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**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) 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]

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**Policy 5.20: Searches (Personnel)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, storage areas, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
  - b. *Employee Property* – The Board reserves the right to inspect employees' vehicles, purses, files, and other personal property if a supervisor forms a reasonable individualized suspicion that the property contains evidence of a violation of Board policy or contains any material, object, or substance that otherwise creates or presents a risk of harm or injury to the school, the workplace, or persons therein.
  - c. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.
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**Policy 5.21: Prohibition on Aiding and Abetting Sexual Abuse**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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

[Reference: 20 U.S.C. §7926]

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**Policy 5.22: Self-Reporting Arrest or Conviction**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 08/08/2013 | **Last Reviewed Date:** 08/08/2013

**5.22.1 Duty to Report a Reportable Event** - The City of Madison 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
- c. With respect to any employee whose assigned duties include transporting students or driving vehicles or heavy equipment owned by Madison City 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.

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**Policy 5.23: Gifts to Personnel**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 04/04/2024 | **Last Reviewed Date:** 04/04/2024

- a. 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.
- b. 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 thirty-two dollars (\$32.00) 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 thirty-two dollars (\$32.00) or less in order to safeguard against such donations violating the Ethics law or being financially burdensome.
- c. 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.

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]

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**Policy 5.24: Teachers' Bill of Rights**

**Status:** ADOPTED

**Original Adopted Date:** 08/05/2024 | **Last Reviewed Date:** 08/05/2024

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

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

**5.24.2 Classroom Management Plans**

- a. **Development of Classroom Management Plan:** To be eligible to use the exclusion procedures in section 5.24.3, a teacher must develop a classroom management plan for his or her classroom that is age and developmentally appropriate for the grade(s) served. The classroom management plan must align with the Student Code of Conduct; local school or school system behavior management policies, plans, and procedures; and any Positive Behavioral Intervention Supports or other behavior management systems adopted by the local school and be consistent with school system requirements for such plans. To comply with these limitations, implementation of an approved classroom management plan may preclude student exclusion for instances of behavior listed in section 5.24.3 below. The Superintendent or designee is authorized to develop model classroom management plans that a teacher may adopt or use for the development of his or her plan.
- b. **Approval of Classroom Management Plans:** Each classroom plan must be approved by the principal before the tenth day of instruction for students during each academic year. Principals are authorized to set a deadline for submission of classroom management plans by teachers that provides them with ample time to review and approve plans and seek revisions.
- c. **Principal Review and Approval:** Principals shall review submitted plans promptly and approve them if they meet the standards outlined above. If the principal does not approve a teacher's initial classroom plan, the teacher must either submit a revised plan within two (2) work days or opt to use a model plan if one is available. If the teacher's revised plan is not approved, the principal is authorized to require the teacher to use a model plan or another approved plan.

**5.24.3 Exclusion of Student from Classroom by Teacher** A teacher may exclude any student from his or her classroom due to their behavior only if:

- a. The student has:
  1. Engaged in disorderly conduct, which is defined as any conduct that intentionally disrupts, disturbs, or interferes with the teaching of students or disturbs the peace, order, or discipline at any school;
  2. Behaved in a manner that obstructs the teaching or learning process of others in the classroom;
  3. Threatened, abused, intimidated, or attempted to intimidate an education employee or another student;
  4. Willfully disobeyed an education employee;
  5. Uses abusive or profane language directed at an education employee;
- b. The referring teacher followed his or her approved classroom management plan before excluding the student from the classroom; and
- c. The referring teacher completes any required referral form and submits it to the principal or his or her designee when the student is excluded and referred to school administration.

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

**5.24.5 Appeal** An appeal may be filed by a teacher if (a) a principal refuses to allow a student to be excluded from the



classroom under this policy, or (b) a teacher believes the school principal has prematurely ended the exclusion of a student from the classroom under this policy. The appeal process available under this policy may not be invoked to challenge or seek review or reconsideration of disciplinary or placement decisions if:

- The decision to not exclude a student from the classroom or to return a student to the classroom results from a decision reached at the end of a school disciplinary hearing required by the Code of Conduct or state or federal law; or
  - A 504 or IEP team or another legally authorized person or entity determines that a student with a disability has the right to remain in or return to the classroom under the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990; or
  - The student is otherwise legally entitled to remain in or return to the classroom.
- a. Filing of Appeal: The teacher must complete and submit the approved appeal form to the Superintendent within two (2) school days of the principal's refusal to exclude the student from the classroom or the return of the student to the teacher's classroom. The appeal form must be completed in full and signed by the complainant.
- b. Status of Student During Appeal: During the pendency of any appeal, the decision of the principal regarding the placement of the student, if any, will remain in effect.
- c. Administrative Review: Upon receipt of a timely appeal, the Superintendent or designee will review the appeal to determine whether informal resolution of the complaint should be attempted. If so, the formal reconsideration process may be suspended for that purpose for up to three (3) work days.

If an informal resolution is not appropriate or is not reached, the formal complaint will move forward, and the Superintendent or designee shall start an investigation of the appeal. The investigation may include interviews of the teacher, the principal, and/or witnesses; obtaining or reviewing written statements, classroom management plans, or other pertinent documents; holding administrative conferences, and any other lawful action deemed necessary to reach a just disposition of the appeal at the discretion of the investigator.

Upon completion of the investigation, the Superintendent or designee shall prepare a written recommendation regarding the issues raised in the appeal. If the recommendation is made by the Superintendent's designee, the Superintendent may adopt, reject, or modify the recommendation based on his or her review of the evidence. If the recommendation includes disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process.

The written recommendation of the Superintendent should be made and mailed or transmitted to the teacher within five (5) work days of the date on which the appeal is filed, unless reasonable more time is needed based on the particular circumstances of the appeal, as determined by the Superintendent. Should the Superintendent need additional time to issue a written decision, the teacher shall be notified of same in writing and advised of when the decision will be issued.

- d. Appeal to Board of Education A teacher dissatisfied with the decision of the Superintendent or designee may appeal the decision to the Board of Education by filing a written notice of appeal with the Superintendent within two (2) work days of receipt of the Superintendent's written decision. The Superintendent shall transmit to Board Members for their review a copy of the written appeal, the decision, and all statements, recommendations, documents, recordings, transcripts, or other written or tangible evidence filed, submitted, or considered at any stage of the administrative review process.

Following receipt of the notice of appeal from the Superintendent, the Board shall place the appeal on the next Board agenda. After consideration of the appeal and the administrative record, the Board may, by majority vote:

1. Affirm the decision of the Superintendent;
2. Reverse or modify the Superintendent's decision; or
3. Defer final action until a Board hearing is held on the appeal.

- e. **Hearing Process:** If a hearing is requested by a majority of the Board, the hearing should be set within fourteen (14) calendar days, unless more time is needed based on the particular circumstances or the timing of the appeal as determined by the Superintendent. Written notice of the hearing date shall be given to the person who filed the appeal. The hearing shall be closed to the public.

The appropriate hearing procedures shall be determined by the Board. A final Board decision on the appeal shall be issued within seven (7) calendar days after the hearing ends. The Board shall give written notice of its final decision to the teacher who filed the appeal.

- f. **Board's Decision.** The Board's decision will be final, and the Superintendent will take steps to implement the decision, provided, however, that if the Board votes for disciplinary action that entitles a student to a disciplinary hearing and/or manifestation determination and it has not been held, the disciplinary action will be treated as a recommendation subject to the outcome of the hearing or manifestation determination process.
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**Policy 6.01: Admissions and Attendance**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 12/12/2024 | **Last Reviewed Date:** 12/12/2024

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

[Reference: ALA. CODE §§16-28-3 and -4 (1975)(as amended)]

*a. Kindergarten Age Requirement.*

1. 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.
2. A child who does not meet the age requirement set out in this policy may be admitted to kindergarten if space is available and the Superintendent, or designee determines that:
  - a. The child transfers from a public kindergarten in another state where the child's parent(s) was or were residing immediately preceding the transfer; or
  - b. The child will become five years of age between September 1 and December 31 and satisfies criteria established by the Superintendent for underage enrollment, which criteria shall include the child's successful completion of an assessment to determine developmental readiness for enrollment.

*b. First Grade Age Requirement.*

1. A child who completes kindergarten by the first student day of school in any school year may be admitted to first grade at the opening of school for that school year or as soon as practicable thereafter.
2. A child who has not successfully completed kindergarten may be enrolled in first grade if the child meets the following requirements;
  - a. The child will become six years of age on or before December 31 of that school year; and
  - b. The child demonstrates first grade readiness through an assessment of essential development and physical skills created and approved by the Alabama State Department of Education. However, no child will be denied entry to the first grade before the 2026-27 school year solely based on their performance on this assessment. Except as provided below, beginning in the 2026-27 school year, if the child does not meet first grade readiness as determined by the assessment, they will be enrolled in kindergarten.
3. An underage child may be admitted to first grade if the child transfers from the first grade of a school in another state, even if the child did not complete kindergarten and the child does not demonstrate first grade readiness. Students who did not complete kindergarten shall take an early years assessment to identify any deficiencies in the second semester of the first grade. Support programs, resources and materials will be made available for students performing below standards.

- c. Age Determination.* Age is computed by including the day of birth so that a given age is attained the day before the birthday anniversary. For example, a child whose fifth birthday falls on September 2 is entitled to attend kindergarten.
- d. 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.

**6.01.2 Admission to Schools**

- a. Resident Students* – School-age children who reside within the municipal limits of the City of Madison, Alabama, may be admitted to Madison City Schools. For purposes of this policy, the residence of the student

will be the residence of the custodial parent or legal guardian. No such presumption attaches to temporary transfers of parental powers under Al Code §26-2A-7. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.

Reference: Ala. Code §§16-28-3; 16-11-16]

b. *Non-resident Students* –

i. *Eligibility for Admission*. Madison City Schools do not admit students who reside outside of school system attendance zones, except as follows:

- a. The student is entitled to admission pursuant to an agreement between the Board and the Town of Triana regarding the admission of students residing in Triana.
- b. The student is the child of a school system employee and the Superintendent, or his designee authorizes the student's enrollment pursuant to an established application process.
- c. The Superintendent or his designee authorizes the student's enrollment based on a determination that the student's parent or legal guardian has submitted adequate documentation (i.e. an officially executed contract or lease) of a forthcoming move to a residence in the school system's attendance zone within the next six months.
- d. The student is eligible for admission pursuant to a current agreement or Memorandum of Understanding (MOU) between the Board and Headquarters, U.S. Army Garrison at Redstone Arsenal, and selected for admission and attendance pursuant to a lottery procedure developed and implemented by the Superintendent, consistent with the terms of the MOU.

The Board reserves the right to refuse or revoke the enrollment of a nonresident 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. The admission of Non-resident Students admitted under this policy may be revoked for non-compliance with this policy, other board policies, or with the Code of Student Conduct.

ii. *Transportation*. The Board will not provide transportation to and from school or homebound instruction outside of the Madison City Schools attendance zones, except as may be required by law.

iii. *Tuition*.

a. *RESERVED*

b. *Redstone Students*. Tuition will be charged and assessed to the responsible parent(s) for each student admitted to Madison City Schools pursuant to a Memorandum of Understanding between the Board and Redstone. The amount of annual tuition to be paid for each such student shall be determined by the Superintendent on an annual basis and shall be based on the rate of school ad velorem tax levied in the City of Madison on a home of average value within the City of Madison as of October 1 of the year prior to the first day of the school year to which the tuition is to be applicable. The Superintendent is authorized to use any widely available data to determine the average value of a home located within the City (e.g., Zillow, tax records, etc.). Tuition due from the student's parent or guardian must be paid in a lump sum before August 1 of each year and is not refundable or reimbursable under any circumstances or for any reason. Failure to pay tuition when due may result in withdrawal of the student from Madison City Schools.

iv. *Additional Procedures Authorized*. The Superintendent or designee is authorized to develop any procedures deemed necessary to properly implement this policy.

Admission Policy for Homeless, Migratory, and Immigrant Students, Children in Foster Care, and Limited English Proficient Students – All homeless, migrant, and immigrant students, children in foster care, and English language learners will have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth and will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated.

The enrollment of homeless, migrant, and immigrant students, children in foster care, and limited English proficient children and youth shall not be denied or delayed due to any of the following barriers that are specifically prohibited by applicable law, which may include the following:

- Lack of birth certificate
- Lack of school records or transcripts
- Lack of immunization or health records
- Lack of proof of residency
- Lack of transportation
- Guardianship or custody requirements
- Lack of social security card Students enrolling without a social security number will be assigned a temporary number by the Attendance supervisor.

c. *Homeless Students* –

- i. *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. 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.
- ii. *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.
  - A. 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.
  - B. 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.
  - C. Enrollment disputes between school districts should be resolved at the State level.

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

- d. *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)]

- e. *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.
- f. *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.

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.

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

#### 6.01.3 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. Established zones shall be consistent with Madison County and Triana agreements and constitutional, statutory, and judicial mandates.
- 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.

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

- Personal illness
- Hospitalization
- Emergency
- Death in immediate family
- Court subpoena
- Religious holidays
- Absences approved by the principal (to include out-of-school suspension)

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.

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

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

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**Policy 6.02: Transfers and Withdrawals**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

6.02.1 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.

6.02.2 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]

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**Policy 6.03: Student Fees, Fines, and Charges**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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).

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**Policy 6.04: Extracurricular Activities**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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

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

**6.04.3 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.

a. Definitions.

1. Extracurricular activities associated with athletics are defined as those recognized and sanctioned by the Alabama High School Athletic Association ("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 Madison City 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, the higher numerical grade for the unit(s) or subject(s) may be used to compute the composite grade 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 Madison City 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.

6.04.4 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 Madison City 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 Madison City School students will be given preference.

A nontraditional student's enrollment in Madison City 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 Madison City 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, Madison City Schools will assume that the student is returning to the program the student was attending when the student enrolled in Madison City 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 Madison City Schools or to enroll part-time in Madison City Schools for any other purpose.

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

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**Policy 6.05: Off-Campus Events**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/02/2023 | **Last Reviewed Date:** 11/02/2023

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

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

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

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

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**Policy 6.06: Student Publications**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 6.07: Student Employment (Work Release)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

- a. The employment does not violate state or federal law;
  - b. The employment does not conflict with the student's academic coursework;
  - c. The employment is necessary for the student to continue in school;
  - d. Written approval is obtained from the student's parent or legal guardian and the Superintendent or his designee;
  - e. Other rules, regulations, and requirements, including those pertaining to early dismissal or checkout, are observed; and
  - f. Other rules and regulations that may be developed by the Superintendent and approved by the Board.
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**Policy 6.08: Equal Educational Opportunities**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 6.09: Title IX**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**6.09.1 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:

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

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

**6.09.2 Title IX Staff** - The Board has authorized the Superintendent to designate the following Title IX Staff members:

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

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

- b. Title IX Investigators - Title IX Investigators will collect and review evidence, including witness statements, and prepare an investigative report. These persons will receive training from the Title IX Coordinator. Only one investigator will be assigned by the Title IX Coordinator for each individual complaint. Title IX Investigators will often be school-based personnel responsible for investigating other instances of student misconduct and will perform the Title IX investigative duties as needed.
- c. Title IX Council - The Title IX Council will be a panel of Board employees who will review investigative reports and make responsibility determinations. These persons will receive training from an outside vendor assigned by the Title IX Coordinator. While the council may consist of several employees, only one council member will be assigned to render a decision in each case.

**6.09.3 Scope of Policy** - Title IX prohibits sex-based discrimination, including sexual harassment, whether against students or employees. Note that misconduct falling outside this policy may nonetheless violate other Board policies (such as the student code of conduct) and thus be otherwise subject to disciplinary action.

- a. Educational Program or Activity - This Policy applies to all prohibited conduct against any person that occurs in the "educational program or activity" of the Board, including all of its schools, regardless of whether that program or activity takes place on or off campus. An "educational program or activity" includes locations, events, or circumstances over which the Board, through its schools and/or employees, 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.

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

a. Sexual Harassment

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

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

2. Any unwelcome conduct that a reasonable person would find severe, pervasive, and objectively offensive such that it effectively denies equal educational access; or
  3. Any instance of sexual assault, dating violence, domestic violence, or stalking.
- b. Sexual Assault - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth). This offense includes the forcible rape of both males and females. Sexual assault may include, but is not limited to rape, fondling, incest, and statutory rape.
- c. Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- d. Domestic Violence - Violence committed by a current/former spouse of the victim; person with whom the victim 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.

**6.09.5 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.

**6.09.6 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.

**6.09.7 "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.

**6.09.8 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.

**6.09.9 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.

**6.09.10 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.

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**Policy 6.10: Student Sexual Harassment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 10/12/2021 | **Last Reviewed Date:** 10/12/2021

**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 touchings;
- d. Demands for sexual favors accompanied by implied or overt promises of preferential treatment or threats with regard to the student's educational status.

**6.10.3 Sexual Harassment Complaint Procedures Authorized** – The Superintendent is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures 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.

**Policy 6.11: Protection of Pupil Rights Amendment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/03/2016 | **Last Reviewed Date:** 05/03/2016

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

- a. Political affiliations or beliefs of the student or student's parent(s);
- b. Mental or psychological problems of the student or student's family;
- c. Sexual behavior or attitudes;
- d. Illegal, anti-social, self-incriminating, or demeaning behavior;
- e. Critical appraisals of others with whom respondents have close family relationships;
- f. Legally recognized privileged relationships, such as with lawyers, doctors, or ministers;
- g. Religious practices, affiliations, or beliefs of the student or parent(s); or
- h. Income, other than as required by law to determine program eligibility.

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

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

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**Policy 6.12: Student Records**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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]

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**Policy 6.13: Student Health Services**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 03/07/2024 | **Last Reviewed Date:** 03/07/2024

**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). Furthermore, "ongoing school counseling services" shall not include those school counseling services which are split into domains not requiring a mental health therapist or other mental health therapeutic license.
- 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. Nothing in this Opt-In for Mental Health Services shall be construed to limit the fundamental rights of parents or legal guardians to direct the care, custody, and control of their children.
- 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).

[Reference: Ala. Act 2022-422, Effective July 1, 2022]

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**Policy 6.14: Student Conduct**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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**Policy 6.15: Searches (Students)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 04/25/2019 | **Last Reviewed Date:** 04/25/2019

- a. *Board Property* – All school system property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by Board officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) Board owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
  - b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and personal 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.
  - c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Student searches must be conducted by a school administrator in the presence of another certified school employee and may include a private pat down of the student, a search of personal items and clothing, or a more thorough search upon specific approval of the Superintendent. Personal searches will be conducted with due regard for the age and gender of the student. Searches that require physical contact between the school official and the student, removal of clothing, or examination of the student in a way that would implicate privacy concerns must be conducted and witnessed by officials of the same gender as the student and in a way that preserves the dignity of the student to the extent practicable under the circumstances. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
  - d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.
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**Policy 6.16: Physical Restraint and Seclusion**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 07/17/2012 | **Last Reviewed Date:** 07/17/2012

**A. Policy Purpose**

1. Madison City 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.
2. 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.
3. 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.

**B. Definitions**

1. 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.
2. 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.
3. 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.
4. 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.
5. 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:
  - a. The non-locking setting used for time-out is appropriately lighted, ventilated, and heated or cooled.
  - b. 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.
  - c. 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.
  - d. The time-out space is free of objects that unreasonably expose the student or others to harm.

### C. Prohibitions

1. 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.
2. 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.
3. The use of chemical restraint is prohibited in the school system and its educational programs.
4. The use of mechanical restraint is prohibited in the school system and its educational programs.
5. The use of seclusion is prohibited in the school system and its educational programs.

### D. Requirements

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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.
7. 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.
8. 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.

#### E. Clarifications

1. 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.
2. 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 the Code of Alabama, 1975, §16- 28-12.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.

8. 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.
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**Policy 6.17: Corporal Punishment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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**Policy 6.18: Student Suspension (including Students with Disabilities)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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 suspend a student from school during the investigation of the disciplinary infraction, or as a disciplinary action based on an investigation, provided that the out-of-school suspension does not exceed ten (10) school days. The principal may also assign students to Alternative School as a disciplinary consequence, provided that the placement does not exceed fifteen (15) school days. However, if the principal determines that the infraction requires a suspension of more than ten (10) school days, or placement in Alternative School for more than fifteen (15) school days, the principal must follow the due process procedures for Long-Term Out-of-School suspensions and Long-Term Alternative School Placement as set out in the Code of Student Conduct. Suspensions will be counted as excused absences. Make up work will be permitted for such absences unless permitting such work under the circumstances would be impractical or impossible, would serve no purpose, would place school personnel at risk of harm, or would be unreasonable in light of the grounds for the suspension. Suspension of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

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**Policy 6.19: Student Expulsion (including Students with Disabilities)**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

Students may be expelled from school for offenses serious enough to warrant such action as provided in Code of Student Conduct or other Board disciplinary policies. Students who are recommended for expulsion will be provided due process in accordance with the provisions of the Code of Student Conduct. The term of an expulsion may extend to the maximum number of days permitted by law. The Board may impose such reasonable limitations on the student's right to re-enroll in the school system following expiration of expulsion as may be permitted by law. A student who withdraws from school prior to consideration of a proposed expulsion may not re-enroll in the school system until a hearing or other appropriate proceedings are held regarding the recommended expulsion in accordance with the Code of Student Conduct. Expulsion of students with disabilities will be subject to applicable limitations and requirements imposed by the Individuals with Disabilities Education Act ("IDEA") and its implementing regulations.

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**Policy 6.20: Electronic Communication Devices**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 04/25/2019 | **Last Reviewed Date:** 04/25/2019

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.

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

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**Policy 6.21: Drivers' License**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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

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

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

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

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**Policy 6.22: Student Parking Privileges**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 6.23: Jamari Terrell Williams Student Bullying Prevention Act**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/18/2020 | **Last Reviewed Date:** 05/18/2020

**6.23.1 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.

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

- a. "Bullying" means a continuous pattern of intentional behavior on or off of school property, on a school bus, or at a school-sponsored function including, but not limited to: cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics contained in this policy. To constitute bullying, a pattern of behavior may do any of the following:
  - Place a student in reasonable fear of harm to his or her person or damage to his or her property;
  - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student;
  - Have the effect of substantially disrupting or interfering with the orderly operation of the school whether the conduct occurs on or off school property, online, or electronically;
  - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function; or
  - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. "Hostile environment" means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.
- c. "Violence" means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.
- d. "Threat" means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.
- e. "Threat of violence" means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.
- f. Intimidation" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- g. "Student" as used in this policy means a person who is enrolled in the Madison City school system.

**6.23.3 Description of Behavior Expected of Students** -

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

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

**6.23.5 Reporting, Investigation, and Complaint Resolution Procedures** –

- a. Complaints alleging violations of this policy 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.

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

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

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

**Policy 6.24: Suicide Awareness and Prevention**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/18/2020 | **Last Reviewed Date:** 05/18/2020

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

- a. Foster individual, family, and group counseling services related to suicide prevention.
- b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.
- c. Foster training for school personnel who are responsible for counseling and supervising students.
- d. Increase student awareness of the relationship between drug and alcohol use and suicide.
- e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.
- f. Inform students of available community suicide prevention services.
- g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.
- h. Foster school-based or community-based, or both, alternative programs outside of the classroom.
- i. Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.
- j. Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.
- k. Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent 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.

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

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



**Policy 6.25: Supervision of Low Risk Juvenile Sex Offenders**

**Status:** ADOPTED

**Original Adopted Date:** 09/03/2020 | **Last Reviewed Date:** 09/03/2020

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.

**6.25.1 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.

**6.25.2 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.

**6.25.3 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.

**6.25.4 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.

**6.25.5 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.

**6.25.6 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.

**6.25.7 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.

**6.25.8 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.

**6.25.9 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.

**6.25.10 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)].

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**Policy 6.26: Acceptable Use of Computer Technology and Related Services**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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

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**Policy 7.01: Curriculum**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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.

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**Policy 7.02: Textbooks**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

Textbooks will be purchased and distributed in accordance with State Department of Education regulations. Only textbooks recommended by the local textbook committee will be approved by the Board, upon the recommendation of the Superintendent. The local textbook committee will be appointed by the Board and will 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 must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

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

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**Policy 7.03: Academic Standards**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 02/20/2025 | **Last Reviewed Date:** 02/20/2025

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.

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

**A 90-100 B 80-89 C 70-79 D 65-69 F 0-64**

7.03.2 Weighted Grading Scale - Students electing to participate in rigorous academic courses such as Honors/Pre AP 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. Secondary credit grades for regular, Honors/Pre AP, and AP shall be awarded according to the following scale:

	Regular	Honors/Pre AP	AP
A	(4)	(5)	(6)
B	(3)	(4)	(5)
C	(2)	(3)	(4)
D	(1)	(2)	(3)
F	(0)	(0)	(0)

Madison City supports and encourages Dual Enrollment (DE) through agreements with Calhoun Community College, Drake State Community and Technical College, the University of Alabama in Huntsville (UAH), UA Early College, and Auburn First. AP weight will be considered if the DE courses are determined to have the rigor of AP courses, and students have exhausted the MCS AP offerings in that discipline. Grades in Dual Enrollment courses will be awarded on the following scale as of June 1, 2017:

Dual Enrollment		
	DE credit grades for courses with a prerequisite of AP shall be awarded on the AP scale if approved by the Policy Committee.	All other DE credit grades shall be awarded on the regular scale.
A	(6)	(4)
B	(5)	(3)
C	(4)	(2)
D	(3)	(1)
F	(0)	(0)

Before enrolling in a Dual Enrollment course, students are responsible for verifying the high school credit and applicable GPA calculation that will be received for the course from Madison City Schools. Requests for approval of new DE courses must be submitted by September 1 for consideration in the following school year's curriculum catalog.

DE approved courses and corresponding grade point weights will be contained in the current Curriculum Catalog; the finite list below includes DE courses given additional weight and the institution at which students can take those courses.

MADISON CITY SCHOOLS DUAL ENROLLMENT COURSES ON THE WEIGHTED GPA SCALE		
INSTITUTION	COURSE	GPA
Calhoun	PHY 213 Physics I with Lab	6.0
Calhoun	PHY 214 Physics II with Lab	6.0
Calhoun	MTH 227 Calculus III	6.0
Calhoun	MTH 237 Linear Algebra	6.0
Calhoun	MTH 238 Applied Differential Equations I	6.0
Calhoun	CIS 252 C++ Programing	6.0
Calhoun	CIS 246 Ethical Hacking	6.0
Calhoun	CIS 214 Security Analysis (PEN Testing)	6.0
Calhoun	CIS 282 Computer Forensics	6.0
UAH	CH 201 and 205 (lab) Elementary Organic Chemistry	6.0
UAH	CH 331 Organic Chemistry	6.0
UAH	CH 332 Organic Chemistry II	6.0
UAH	HY 415 Daily Life in Ancient Rome	6.0
UAH	HY 490 Research Seminar in History	6.0
UAH	HY 498 Studies in History	6.0
UAH	PSC 451 Law, Courts, and Public Policy	6.0
UAH	ECN 345 Microeconomics Analysis	6.0
UAH	ECN 445 Applied Game Theory	6.0
UAH	ECN 475 Labor Economics	6.0
UAH	ECN 490 Global Cities and Labor Market	6.0
UAH	PH 112 and 115 (lab), General Physics and Calculus II	6.0
UAH	MA 201 Calculus C	6.0
UAH	MA 238 Applied Differential Equations	6.0
UAH	MA 244 Linear Algebra	6.0
UAH	MA 330 Foundations of Math	6.0
UAH	MA 385 Introduction to Probability	6.0
UAH	MA 442 Algebraic Structures with Applications	6.0
UAH	MA 453 Introduction of Complex Analysis	6.0
UAH	MA 460 Introduction to Fourier Analysis	6.0
UAH	MA 490 Category Theory	6.0
UAH	CS 214 Intro to Discrete Structures	6.0
UAH	CS 221 Programming in C++-Data Structures	6.0
UAH	CS 307 Object Oriented Programming in C++	6.0
UAH	CS 309 Computer Organization and Switching Theory	6.0
UAH	CS 317 Introduction to Design and Analysis of Algorithms	6.0
UAH	CS 371 Mobile Computing App Interaction & Development	6.0
UAH	CS 413 Introduction to Digital Computer Design	6.0
UAH	CS 470 Computer Networks	6.0
UAH	CS 485/585 Computer Security	6.0
UAH	CS 487-01 Database Systems	6.0
UAH	CS 490 Introduction to Operating Systems	6.0
UAH	CS 570 Intro to Computer Networks	6.0
UAH	PY 201 Lifespan Development	6.0
UAH	PY 300: Psychological Statistics with lab: PY 304-corequisite	6.0
UAH	PY 301 Personality	6.0
UAH	PY 316 Perception	6.0
UAH	PY 375 Social Psychology	6.0
UAH	PY 414 Human Research: Learning	6.0
UAH	PY 415 Developmental Psychology	6.0
UAH	PY 422 Independent Research: Learning & Mind Wandering	6.0
UAH	PY 480 Cognition	6.0
UA Early College	MA 227 Calculus III	6.0

7.03.3 Transfer Students - Students who transfer to Madison City 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 Madison City Schools' Grade Point Average (GPA) scale.

7.03.4 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.

7.03.5 Report Cards - Report cards reflecting student progress will be provided to the parents or legal guardians of students on a regularly scheduled basis.

7.03.6 Promotion - Students are promoted from grade based on academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board and in accordance with applicable law. Students who are eligible for promotion from grade to grade may nevertheless be retained by agreement of the parents and appropriate school officials.

7.03.7 Class Rankings - Beginning with the ninth grade, students will be ranked using the GPA based upon the Madison City School's grading scale as calculated, weighted and described herein.

7.03.8 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(12)]

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**Policy 7.04: Testing**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

The Superintendent is authorized to develop and implement a standardized testing program that will include, at a minimum, all testing required under state and federal law. All standardized tests are to be conducted in accordance with the appropriate test administration manual guidelines and any rules or regulations that are intended to ensure their security and validity. Teachers are authorized to conduct 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.

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**Policy 7.05: Summer School Operations**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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)]

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**Policy 7.06: Dual Enrollment**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 02/16/2016 | **Last Reviewed Date:** 02/16/2016

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. Before enrolling in a Dual Enrollment course, students are responsible for verifying the high school credit and applicable GPA calculation that will be received for the course from Madison City Schools.

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

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**Policy 7.07: Correspondence or Online Courses**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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)]

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**Policy 7.08: Virtual School Option**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/05/2015 | **Last Reviewed Date:** 11/05/2015

7.08.1 Scope and Delivery of Services - The school system provides a virtual school option to full-time students in grades 9-12 who are enrolled in Madison City Schools. Such courses will be delivered through the Alabama State Department of Education's ACCESS program and will include, at a minimum, all courses that are required to obtain a high school diploma. Students enrolled in the virtual school are subject to Madison City Schools' graduation requirements.

7.08.2 Student Eligibility Criteria - Students must meet any eligibility requirements of the Alabama State Department of Education's ACCESS program. In addition, students must meet school system enrollment requirements for the course in question including, but not limited to, those contained in the schools system's curriculum catalog.

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 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.

7.08.3 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 school option 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.

The Superintendent is hereby authorized to take whatever action may be necessary to facilitate the state testing and accountability requirements applicable to virtual school students. The school system reserves the right to require students utilizing the virtual school option to participate in state testing and accountability requirements on campus at a date and time selected by the school system.

7.08.4 Attendance - Students participating in the virtual school option 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.

7.08.5 Extracurricular Activities - Students must meet the same extracurricular activity eligibility requirements as students enrolled in the traditional day program, including, but not limited to, any applicable Alabama High School Athletic Association ("AHSAA") requirements. Student residency for purposes of participating in extracurricular activities will be determined in accordance with applicable state law and AHSAA guidelines.

7.08.6 Additional Procedures Authorized - The Superintendent or his designee is authorized to develop such procedures as he deems necessary to implement this policy including, but not limited to, eligibility criteria for courses, methods for informing students and parents of the virtual 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. ]

**Policy 7.09: Career and Technical Education Programs**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

**7.09.1 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]

**7.09.2 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.

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

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

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**Policy 7.10: Foreign Exchange Program**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 05/03/2016 | **Last Reviewed Date:** 05/03/2016

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 Madison City Schools, and Madison City students may participate in foreign exchange programs.

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**Policy 7.11: Extended Programs: Community Education**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

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 290-8-5-.01]

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**Policy 7.12: Graduation, Certificate of Completion, and Commencement**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/08/2018 | **Last Reviewed Date:** 11/08/2018

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.

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

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

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

[Reference: ALA. ADMIN. CODE 290-3-1-.02(17)]

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**Policy 7.13: School Wellness**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 02/23/2023 | **Last Reviewed Date:** 02/23/2023

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

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**Policy 7.14: Parent and Family Engagement**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Reviewed Date:** 09/02/2011

In order to comply with the requirements of section 1116 of Every Student Succeeds Act ("ESSA"), the Board will comply with the following requirements:

7.14.1 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.

7.14.2 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.

7.14.3 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.

7.14.4 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.

7.14.5 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)]

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**Policy 7.15: Extended Learning Opportunities**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 11/14/2023 | **Last Reviewed Date:** 11/14/2023

An Extended Learning Opportunity (ELO) is an out of classroom learning experience, approved by the State Board of Education or Madison City Schools where an eligible entity provides a student with enrichment opportunities; career readiness or employability skills opportunities, including internships, pre-apprenticeships, apprenticeships; or any other approved educational opportunity.

7.15.1 Application Process for Accepting and Approving ELOs Offered for Credit by Eligible Entities - Extended Learning Opportunities (ELOs) shall involve partnerships between Madison City Schools, parents or guardians, students, and eligible entities who will be providing or assisting with high-quality instruction. Such partnerships shall be approved by Madison City Schools based on an application process and other documents and plans that clearly delineate the responsibilities of each participating party and provide structure to guide development and implementation of the ELO.

7.15.2 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.

7.15.3 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. Upon approval of the application, Madison City Schools will select the amount of elective credit to be awarded and will set the guidelines for awarding such credit.
- b. However, no student shall receive more than one (1) credit for any given ELO, and the same ELO cannot be repeated in subsequent years after 1.0 credit has been earned for the 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. ELOs will be placed on the 4.0 GPA scale.
- d. The student, the ELO partner, and/or the Parent/Guardian will have the primary responsibility for (1) researching the competencies/skills that can be met through the ELO to establish general expectations and goals for the project; and (2) working together to develop an overview of the project.
- e. 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.
- f. The student, Parent/Guardian, ELO Partner, and/or community member/non-school based mentor, will work as a team to develop a detailed plan that includes standards and assessments strategies and clearly defined grading criteria for the ELO, which is subjected to approval by Madison City Schools.
- g. Students with IEPs and 504 Plans shall be given the appropriate accommodations so that they can construct meaning from their ELO experience.
- h. The Parent/Guardian must agree that they (1) are responsible for securing transportation to and from the ELO; (2) assume all liability associated with the ELO; and (3) are responsible for all costs associated with the ELO.

7.15.4 Criteria to Determine Whether a Proposed ELO Shall be Approved to Count Toward Credit - ELO experiences may not duplicate or replace courses, programs, or work-based learning experiences that are part of the school district's current offerings for students. It is the responsibility of the eligible entities providing an ELO to comply with

all federal and state labor laws. 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 the 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 receive 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. To help ensure that the student completes the ELO and receives appropriate elective credit which is recorded on the student transcript, the student and/or ELO Partner will provide regular updates on the student's progress to the ELO School Liaison. If the student does not successfully complete the ELO, then elective credit will not be awarded.
2. The ELO plan/template is assessed, revisited, and updated as needed.
3. Timeline of student progress checks is included in the plan.

**7.15.5 Criteria to Award a Student a Certificate of Completion and Credit for Completing an Approved ELO** - A student is only eligible to receive credit for an ELO if the ELO application and/or ELO plan has been approved by Madison City Schools.

1. It is the responsibility of the ELO Partner and the student to provide Madison City Schools with documentation

or other proof evidencing the student's successful completion of the ELO as described in the approved application and learning plan.

2. The final determination as to whether a student satisfactorily completed the ELO and should be awarded a certificate of completion or credit for completing an approved ELO will be made by Madison City Schools.
  3. If the student does not satisfactorily complete the ELO, then elective credit will not be awarded. If 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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**Policy 7.16: Selection of Instructional Materials (other than textbooks) and Materials for the School Media Centers**

**Status:** ADOPTED

**Original Adopted Date:** 09/02/2011 | **Last Revised Date:** 03/07/2024 | **Last Reviewed Date:** 03/07/2024

**7.16.1 Generally** - Instructional materials used in classrooms and selected for placement in school media centers are fundamental to the educational process. As used in this policy, "Instructional Materials" shall mean print and non-print instructional materials, used or made available by the classroom teacher in connection with instruction in the classroom, other than the course textbook selected under procedures consistent with Board Policy 7.2. "Media Center Materials" shall mean print and non-print materials selected for circulation through any Madison City School media center.

**7.16.2 Scope of Policy** - The scope of this policy is limited to selection of Instructional Materials, and Media Center Materials. Selection of classroom textbooks is governed by Board Policy 7.2.

**7.16.3 Instructional Materials and Media Center Materials Selection Process** - The Superintendent is authorized and directed to prepare and implement procedures for selection and reconsideration of Instructional Materials and Media Center Materials, including gifted, free, or sponsored items.

- a. The selection process for Media Center materials will utilize the District's professionally trained and certified library media staff to recommend selection of Media Center Materials for the media center to which they are assigned. The Superintendent's selection process may include, as deemed appropriate, utilization of selected teachers, students, parents and community members, school-level administrators, and district-level administrators and directors, to review and approve recommended Media Center Materials. Responsibility for making recommendations for purchase, coordinating the selection process and undertaking the approved purchase of Media Center Materials, will remain with the Media Center's certified personnel. The library media specialist is encouraged to consult reputable, professional journals or lists when determining what resources should be considered for inclusion in the school's library collection. Teachers may request that specific resources be considered for inclusion in the collection at their assigned school by submitting a request in writing to the library media specialist.
- b. Instructional materials meeting the criteria set out in this policy may be selected through cooperative efforts of school faculties, school administrators, system administrators and directors, and may include consideration of suggestions from parents and students.
- c. Any decision to select and utilize Media Center Materials or Instructional Materials shall be subject to review and reversal in accordance with a reconsideration procedure established by the Superintendent consistent with this policy.

**7.16.4 Criteria for Selection and Deselection of Materials** -

- a. Selection Criteria. Instructional Materials and Media Center Materials selected pursuant to this policy should:
  - Support the Alabama course of study and accreditation requirements
  - Offer students the opportunity to explore and satisfy intellectual curiosities beyond the classroom curriculum and course of study requirements, taking into consideration their varied interests, abilities, and learning styles.
  - Stimulate learning growth in factual knowledge, literary appreciation, esthetic values, and ethical standards.
  - Provide information that will help students to learn how to make intelligent choices in their daily lives and how to think analytically, logically, and critically on controversial issues.
  - Be representative of and provide accurate historical portrayals of the many religious, ethnic, and cultural groups and their participation and contribution to American heritage and daily life.
  - Be age-appropriate for the grade and interest level of the students served by the Instructional Materials or Media Center Materials.
  - Have aesthetic, cultural, literary, social, artistic, or historical value.
  - Foster reading and media usage as a lifelong and pleasant learning activity.
- b. Deselection Criteria for Media Center Materials. The media specialist is primarily responsible for identifying resources that should be removed from the library collection. A material should be removed from the library's collection if it:

- contains misleading, factually inaccurate, or dated information;
- is in poor physical condition;
- is determined to be of no real discernable value;
- does not meet the current criteria for selection; or
- is no longer relevant to the needs and interests of the school community.

- c. **Purchase of Materials.** All purchases of Instructional Materials and Materials for School Media Centers must also be made in accordance with any applicable financial policies and procedures, the applicable budget and in accordance with state law.
- d. **Donated Media Center Materials.** Gifts and donations to school media centers may be accepted, but gifted or donated resources will only be included in the media center's collection if they are determined to be appropriate for inclusion in accordance with the same selection criteria applied to resources purchased by the school system.

**7.16.5. Challenge and Reconsideration Process** - The Superintendent shall direct the preparation and implementation of procedures for challenging and seeking reconsideration of use of Instructional Materials and Media Center Materials.

- a. **Informal Reconsideration Process.** The procedure shall include opportunities for parents/guardians to express concerns informally to classroom teachers, counselors, library media specialists, and/or school administrators.
- b. **Formal Reconsideration Process.** The procedure will also include provision for formal challenges or reconsideration of Instructional Materials and Media Center Materials if concerns are not resolved through the informal reconsideration process. The procedure for formal will include review by a school-level committee, and an opportunity to appeal from decision of a school-level committee to the Superintendent. The Superintendent is authorized, in his discretion, to appoint and solicit input from a district-level committee to review the appeal and make a recommendation regarding its determination. The ultimate decision of the appeal by the Superintendent shall be final.
- c. **Guiding Principles for Challenge and Reconsideration Process.**
  - Confidentiality of the complainant during the informal process (only) shall be maintained to the extent possible, if requested by the complainant.
  - The complainant and the reviewing personnel or committee should be treated in a courteous, objective and non-emotional manner.
  - All challenges and requests for reconsideration shall be submitted on forms prescribed by the Superintendent, or designee, consistent with this policy. All such forms must be fully completed and submitted in writing to be considered.
  - All challenges and requests for reconsideration will be processed on a timely basis in accordance with the procedures established by the Superintendent.
  - The principles outlined in the American Library Association's publication "Access to Resources and Services in the School Library" will be considered in connection with any challenge to Media Center Materials.
  - The importance of student's freedom to read/view/listen to appropriate educational materials will be considered in connection with any challenge.
  - The absence of the right of any parent to control the reading, viewing, or listening of other people's children will also be considered in challenges to Instructional Materials or Media Center Materials.
  - A decision regarding reconsideration of the challenged materials shall not be made until the issue of appropriateness of the materials has been fully explored.
  - Consideration of all challenges to Instructional Materials and Media Center Materials shall be undertaken in a manner consistent with any applicable Alabama State Department of Education regulations or guidance, Alabama law, federal law and the constitutions of the State of Alabama and the United States.
- d. **Effect of Decision** - A decision whether to remove a challenged resource will stand for five (5) years before any new requests for reconsideration of the challenged item will be considered.

**7.16.6 Procedure and Forms** - The superintendent will direct the preparation and publication of such procedures and forms as may be deemed necessary to implement this policy.