



BIRMINGHAM
CITY SCHOOLS

BIRMINGHAM BOARD OF EDUCATION

POLICY MANUAL

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BIRMINGHAM BOARD OF EDUCATION POLICIES

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BIRMINGHAM CITY SCHOOLS

SERIES 1000

**SCHOOL BOARD ORGANIZATION AND
ADMINISTRATION**

SCHOOL BOARD GOALS AND OBJECTIVES

The Birmingham Board of Education is committed to education for all students, to equal educational opportunity, to maintaining a unitary school system under the U. S. Constitution, to a constant awareness of the concerns and desires of the community, to an active educational leadership role; to the support of a superintendent who will promote Birmingham's position as an outstanding educational system and under whose leadership the staff will implement with imagination and dedication the policies, rules, and regulations of this Board of Education.

Other Board policies and direction goals include:

interpretation of the educational needs and aspirations of the community through formulation of policies which stimulate the learner and the learning process;

provision of leadership in each school for effective implementation of the school system's goals and objectives;

maintenance of two-way communication with the community served by the schools to interpret public attitudes, to identify proper policies and procedures for the schools to encourage public involvement, and to promote understanding of the schools; and to evaluate regularly educational needs and goals.

PERSONNEL GOALS AND OBJECTIVES

The creation of the best possible educational climate is the objective of the Birmingham City School District. To this purpose, the board recognized that a competent and effective staff, dedicated to public education is necessary for the maintenance and improvement of the school program. The board is concerned for the welfare of school personnel both as individuals and members of the organization. In addition, it is committed to the recruitment, employment, and training of qualified individuals who can assist in the accomplishment of the board's education objectives.

Other specific personnel goals include:

- The conduct of an employee training and evaluation program which will contribute to continuous improvement of staff performance;
- The maintenance of employee morale through fair and equal treatment of individuals and other appropriate means;
- The development of an employer-employee relationship necessary to obtain maximum staff performance and satisfaction;
- The placement of personnel in a manner, which fosters a clear understanding of an individual's role and responsibility;
- The provision of the best possible work environment with due regard to proper staff compensation, benefits, and working conditions;
- The ensuring of accountability so that progress can be measured against common expectations for academic achievement;
- The use of flexibility and local control to allow the district and schools to use logical ways to serve children using community resources;
- The providing of opportunities to do what works;
- Ensuring that all employees are highly qualified as defined by State and Federal Laws.

SCHOOL BOARD LEGAL STATUS

The Birmingham Board of Education is a legal body vested with all powers necessary for the organization and management of the Birmingham City Schools. The Alabama Constitution requires the Legislature to establish and maintain public schools throughout the State. Responsive to this mandate, the Legislature has provided for City Boards of Education to administer and supervise the public schools of each city. Accordingly, the Birmingham City Board of Education is a constitutionally authorized entity of the Legislature and is subject to state laws and to regulations of the State. The Birmingham Board of Education is further regulated by the "Lewis Spratt Act." (Acts 2001-204; 2002-22)

Members of the Birmingham Board of Education are elected by districts that correspond with the Birmingham City Council districts in accordance with state law for terms of office, which shall expire at the same prescribed time as the expiration of the corresponding terms of office of the then current city council members. A vacancy on the Board is filled by appointment by a majority of the remaining members of the Board of Education for the unexpired term, when the unexpired term is one year or less. If the vacancy is not filled by the remaining members of the Board of Education within 30 days, the president, or the vice president in the absence of the president, shall notify the City Council, which shall fill that vacancy by appointment by a majority of the members of the city council for the unexpired term. If the vacancy is not filled by the city council within 30 days after notification, the local superintendent of education shall notify the State Superintendent of Education who shall fill the vacancy by appointment for the unexpired term. Unexpired terms of more than one year shall be filled by special election called as provided by state law. A person filling the vacancy on the Board of Education shall reside in the district that the vacating member represented. Members of the Board may not be members of the Council and once appointed, constitute an independent body whose authority may be exercised only as a Board.

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Approved: 8/6/74
Revised: 4/21/81
Revised: 1/27/04

COMMUNICATION DURING BOARD MEETINGS

In an effort to operate efficiently and to foster the Board's goal of operating in a professional, business-like manner, focused on setting policy and implementation of the district's strategic plan, it shall be the policy of the Birmingham City School District's Board of Education that Board members will address comments that are not related to specific Board items as part of a highlights section, which will be included monthly on Board agendas. The Board may also vote to adjust the agenda as the majority deems appropriate.

BOARD POWERS AND DUTIES

The Board shall be concerned primarily with broad questions of policy. A policy is a guide for discretionary action that expresses the intent of the Board concerning the job it expects of those whom it gives authority. Policy statements guide the Board in making decisions and indicate certain practices the administrators will follow. The enforcement of policies is an administrative task to be performed by the superintendent who is responsible for the effective administration and supervision of the entire School System.

The Board, functioning within the framework of laws, court decisions, State School Board regulations and similar mandates from the state and national levels of government, fulfills its mission as the governing body of the School System by acting as follows in the execution of its duties:

- (1) establishes and enacts policy. Such policies are guidelines adopted as a course of action under which the system operates;
- (2) establishes an effective educational program through adoption of curricula;
- (3) assumes leadership in acquiring adequate funds for the operation and improvement of the School System;
- (4) employs and terminates, upon the recommendation of the superintendent, all full-time and part-time employees and consultants;
- (5) approves the budget and receives from the professional staff financial reports and audits;
- (6) provides for the planning, acquisition, expansion, improvement, financing, construction, maintenance, use and disposition of properties and assets within the School System;
- (7) requires the establishment and maintenance of records, accounts, archives, management methods, and procedures essential to the efficient conduct of school business;
- (8) provides for the dissemination of school related information necessary for a well-informed public;
- (9) conducts hearings as needs dictate; and

(10) holds in trust for the use of the Birmingham City Schools
all property acquired for school programs.

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Approved: 8/6/74

Revised: 4/21/81

Revised: 1/27/04

PUBLIC PARTICIPATION AT BOARD MEETINGS: SCHEDULED AGENDA ITEMS

Individuals who wish to comment on a scheduled agenda item may be permitted to do so if they have registered their desire to do so in the office of the superintendent prior to the meeting.

Individuals or delegations desiring to appear before the Board to address an item not scheduled on the agenda may do so after discussion with the superintendent and in accordance with the policy on Non-Scheduled Agenda Items, except for requests by the board for public comment on current issue(s).

Interested and affected persons who desire to present an item of new business to the board in official meetings shall first be afforded an opportunity to be heard by the superintendent, or his authorized representative. After a preliminary conference, the superintendent will honor requests for appearance before the board provided that the notice of problems, issues, suggestions and other matters of concern to the delegation shall be presented in writing to the superintendent at least five working days prior to the scheduled Board meeting to allow for duplication of materials and delivery to board members. Guidelines for the appearance of delegations are:

- (1) a delegation shall be restricted to a single spokesperson, in any event no more than three (3) speakers on any given topic;
- (2) spokespersons must limit their remarks to topics outlined in their written requests for appearance before the board;
- (3) delegations wanting questions answered should submit such questions in writing prior to the meeting;
- (4) a two (2) minute time limit on speakers may be imposed at the discretion of the board;
- (5) a copy of the board's guidelines shall be furnished to delegation representatives at the time that a Board appearance is requested;

- (6) delegations may speak before the board on a new item if they register 5 working days prior to the board meeting.
- (7) vulgarity and/or profanity are not allowed and will be grounds for removal from the board meeting.

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Approved: 8/6/74
Revised: 4/21/81
Revised: 9/22/87
Revised 1/27/04

BOARD ORGANIZATION AND ADMINISTRATION

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COMMUNITY VOICE

Board meetings are open to the public. The board may provide the opportunity for citizens to express their interest in the schools.

DUTIES OF INDIVIDUAL BOARD MEMBERS

The duties and obligations of an individual board member are as follow:

- (1) to be familiar with state school laws, State Board of Education regulations, policies, rules and regulations of the Birmingham School System;
- (2) to acquire and maintain a working knowledge of educational aims and objectives of the school system;
- (3) to visit schools in the school district for the purpose of assessing the learning climate and accomplishment of educational goals;
- (4) to work cooperatively with other board members;
- (5) to vote and act in board meetings for the good of the educational system;
- (6) after votes are taken, to accept the will of the majority vote in all cases and give support to the resulting board policy in accordance with the best interests of the system;
- (7) to represent the board and the Birmingham schools to the public in a manner that promotes interest, cooperation and support;
- (8) to refer complaints to the superintendent;
- (9) to refrain from individual efforts to influence school operations in such matters as employment, promotion and purchasing; and
- (10) to refrain from making public comments relative to pending issues before the board which may negatively reflect on the Birmingham School System as caused by a lack of information, complete data and/or being informed by credible sources.

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Approved: 8/6/74

Revised: 9/22/87

Revised: 10/21/02

Revised: 1/27/04

RULES OF ORDER

During meetings, the Board shall observe Robert's Rules of Order, Newly Revised, except as otherwise provided by law or determined by the Board.

ELECTION OF BOARD OFFICERS

At the first meeting of November of each year in which an election for members of the Birmingham Board of Education is not held, the Board will elect from its membership a president and vice president. In election years for members of the Birmingham Board of Education, the election of a president and vice president will take place at the first meeting that the newly-elected Board takes office. At this organizational meeting, the superintendent serves as secretary to the Board and will preside with the first order of business being the election of the president. Upon election of a president, the superintendent relinquishes the chair. The vice president is then elected. In both instances, voting continues until a majority vote is received.

President

The president presides at Board meetings, performs all duties imposed by the statutes, and performs such other duties as may be prescribed by law or by action of the Board of Education. The president has the same right as other members to offer resolutions, to make or second motions, to discuss questions, and to vote thereon.

Vice-President

The vice president shall have the powers and duties of the president, in his or her absence, and such other powers and duties as the Board may from time to time determine.

Secretary

The superintendent serves as secretary of the Board and has the following duties:

- (1) to keep a full and accurate record of the proceedings of the Board;
- (2) to send notices of meetings;
- (3) to maintain an accurate record of Board Policies, by-laws, and administrative regulations;
- (4) to call the Board meeting to order and to conduct the election of president pro tem, in the absence of the president and vice president; and
- (5) to send copies of the Board minutes to the Board.

MINUTES

The secretary shall keep complete records of the actions of the Board. The minutes of the Board shall be kept in an official book and shall be a complete record of such minutes including resolution and motions in full together with summaries of pertinent discussion. Supplementary

materials referred to in the minutes may be filed separately but will be maintained as part of the permanent record.

Minutes of a meeting shall be sent to the members of the Board five (5) days prior to the meeting at which they are to be approved. Corrections in the minutes may be made prior to or during such meeting. Permanent minutes shall be signed by the secretary and the Board president upon the Board's approval.

Chief School Financial Officer

The Board shall appoint a chief school financial officer, who shall be an employee of the Board.

The chief school financial officer shall work under the direct supervision of the superintendent but shall have a fiduciary responsibility to the board. The chief school financial officer shall perform each of the following duties:

- (1) Verify the receipt of all funds to which the board may be entitled by law or which may come into its possession for public school purposes.
- (2) Verify the payment of such funds, such payments to occur only on written order of the superintendent.
- (3) Keep an accurate record of all receipts and expenditures, and provide such information to the superintendent and the board.
- (4) Make reports as may be required by law, by the board, or by rules and regulations of the State Board of Education.
- (5) Personally notify, in writing, each board member and the superintendent of any financial transaction of the board which the chief school financial officer deems to be non-routine, unusual, without legal authorization, or not in compliance with the fiscal management policies of the board. The notification shall be recorded in the minutes of the board by the secretary.
- (6) Be bonded in an amount determined by the State Board of Education.

BOARD ATTORNEY

Legal Counsel shall be retained by the board.

Counsel is engaged for the purpose of advice and serves at the pleasure of the Board.

Counsel is required to attend Board Meetings or other meetings where services may be needed. Legal services as related to their duties and responsibilities are available to the board members and superintendent. Requests for legal counsel concerning the operation of the school system should be initiated by the Board or the superintendent. In all cases the legal counsel sought by board members should relate to the corporate interest of the Board of Education. The board should notify the Superintendent on contact.

Members of the staff desiring legal advice on school problems are to make their requests through the superintendent.

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Approved: 8/6/74

Revised: 4/21/81

Revised: 1/26/93

Revised: 1/27/04

BOARD COMMITTEES

The Board of Education shall establish and maintain four committees on a continuing basis in the following areas: 1) Policy, 2) Capital and Technology, 3) Finance, and 4) Legislative. Each committee will consist of three members of the Board, with one as Chairperson and vice-chairperson, who will each serve one-year terms on the committee with the exception of the Capital and Technology Committee, which shall consist of all of the members of the Board. The superintendent and Board president will be an ex-officio member of all committees. Committee appointments will be made by the president with the approval of the board. Each committee will be guided in its work by a charter approved by the board. The committee may add ex-officio members to its membership from the staff and citizens as the need arises, subject to approval of the board.

Ad hoc committees may be created for special assignments and may include members of the board and/or special citizen groups. When so created, such committees are appointed by the president with the approval of the board and shall dissolve upon completion of assignment or upon a vote of the Board. The president and superintendent serve as ex-officio members of all ad hoc committees. The duties of the respective committees are as follows:

1. Policy Committee

The Policy Committee will meet at the discretion of the Chairperson. The main work of the committee will consist of an annual comprehensive review of all the system's policies to determine if they are current in terms of the Alabama Code, City Codes and Federal Laws.

When the reviews warrant policy changes or new policies, the committee will be responsible for working with the superintendent and his/her staff to revise and develop policies.

From time to time, the committee may need to confer with various administrators, staff, and lawyers.

2. Capital and Technology Committee

The Capital and Technology Committee will meet periodically at the discretion of the Board President/Chairperson. The committee is expected to participate in the planning of district growth, infrastructure and building development. Also, the committee will review Capital Improvement Plans before they are presented to the full Board for consideration. Committee members should attend public hearing in the various communities to gather information and to listen to the concerns of parents and citizens about construction plans.

After reviews of capital plans and examination of policies and procedures, the committee may suggest policy revisions or new policies for the consideration of the superintendent and the full Board.

3. Finance Committee

The Finance Committee will meet at least semi-annually. However, meetings may be called at the Committee Chairperson's discretion based on need.

Usually, the committee will need to meet prior to and during the budget preparation period. Also, the committee should meet with the internal and external auditors. Specifically, the committee should review budget policies, indicators, other outcomes and procedures as well as the budget and auditing process.

4. External Affairs Committee

The External Affairs Committee is responsible for overseeing the district's relationship with the public at large and with key stakeholders in the community. The committee shall meet at least semi-annually. It shall meet at the discretion of the Chairperson, prior to any sessions of the Legislature. It shall review and evaluate all relevant sections of the Education Laws of Alabama and relevant Federal statutes and regulations and make recommendations for changes and modifications of those statutes to improve the delivery of educational services. The Committee shall communicate and schedule meetings with appropriate entities at all levels of government and the

community to have open dialogue about the concerns of the Birmingham City School system.

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Approved: 04/20/76
Revised: 06/11/02
Revised: 01/27/04
Revised: 08/26/08
Revised: 01/27/09

POLICY ADOPTION

The adoption of revision of any policy shall be done in accordance with Section 16-1-30, Code of Alabama.

Policies and policy revisions introduced and recommended to the Board shall be read at one meeting and adopted at a subsequent meeting.

No policy, motion or resolution shall be declared adopted or revised without the recommendation of the Superintendent and the concurrence of the majority of the whole Board.

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Approved: 8/6/74
Revised: 4/21/81
Revised: 9/22/87
Revised: 1/27/04
Revised: 9/30/11

POLICY DISSEMINATION

The superintendent will establish and maintain an orderly plan, which shall include the web site for preserving and making board adopted policies accessible, together with administrative rules and regulations needed for their implementation.

Accessibility is to extend to the board, all employees of the Board of Education and to the community.

Policies which have been revised, or initially adopted must be sent to each school building and posted for all employees' viewing within twenty days of revision or adoption.

Building administrators must keep a current copy of the complete policy manual in a centrally located and easily accessible area. Also, a current copy will be placed at the Central Public Library.

BOARD-SUPERINTENDENT RELATIONS

The adoption of policies is the most important function of a school board. The execution of the policies shall be the function of the superintendent and his staff.

Delegation of executive powers by the board to the superintendent provides freedom for the superintendent to manage the schools within the board's policies, and frees the board for policy-making and appraisal functions. The board shall conduct an annual evaluation of the superintendent's job performance.

The Board holds the superintendent responsible for carrying out Board policies and for keeping the Board informed on school operations.

Board Member Training, Development and Self Evaluation

General - Birmingham Board of Education members shall 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 workshops for the local Board as a whole;
- c. State or national school board association events addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.

Source of Training and Report - The requirements of this policy will 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.

Board Self Evaluation - The Board believes that evaluation of its effectiveness will improve the Board's performance, exemplify the kind of constructive assessments the Board encourages for all school personnel and programs, and promote a spirit of teamwork throughout the school system. The Board will assess its own performance annually according to goals established by the Board. This information will be used by the Board each year in establishing the goals and objectives it will strive to accomplish during the subsequent year.

BOARD MEMBER COMPENSATION AND EXPENSES

Members of the Board of Education shall be paid \$300.00 per month in accordance with the Lewis Spratt Act and \$400.00 for expenses.

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Approved: 8/6/74
Revised: 4/21/81
Revised: 9/22/87
Revised: 1/27/04

BOARD MEETINGS

Regular meetings of the Board of Education shall be held on the second and fourth Tuesday.

The president may call special meetings at the request of a majority of the board members or at the President's discretion with proper notification. The secretary, through newspapers and other media, shall give public notice of changes in the regular meeting or the calling of special meetings.

All meetings of the board will be open to the public except that executive sessions may be called in accordance with provisions of State law. All votes by the board shall be conducted in an open meeting.

The date, time, and place of all regular and special meetings shall be announced whenever practicable through newspapers, schools, and other appropriate means.

Notice of each regular meeting of the board, together with copies of the agenda, will be delivered to each member at least three days prior to each meeting.

Notice of all special meetings shall be given to the members of the Board at least 48 hours prior to the time stated for the meeting to convene. Such notice shall indicate the purpose of said special meeting, and items considered at such meetings shall be limited to those listed on the agenda. Meetings may be called on shorter notice with the concurrence of a majority of the Board. In such cases, every effort shall be made to notify all organizations representing the staff.

The superintendent shall prepare the agenda for board meetings. Board members may place items on the agenda. The superintendent shall supply adequate information necessary for the exercise of sound judgment in consideration of agenda items.

Board members should contact the superintendent prior to the meeting for other information deemed necessary for assistance in

BIRMINGHAM ORGANIZATION AND ADMINISTRATION

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proper decision-making responsibilities.

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Approved: 8/6/74

Revised: 4/21/81

Revised: 1/27/04

CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

As a member of my Local Board of Education, representing all the citizens of my community, I recognize

1. that my fellow citizens have entrusted me with the educational development of the children and youth of this community;
2. that the public expects my first and greatest concern to be the best interest of each of these young people without personal distinction;
3. that the future welfare of this community, of this State, and of the Nation depends in the largest measure upon the quality of education provided in the public schools;
4. that my fellow Board members and I must take the initiative in helping all the people of this community to have all the facts about their schools, to the end that they will readily provide the finest possible school program, school staff, and school facilities;
5. that the legal authority of the Board is derived from the State in accordance with the will of the people; and
6. that I must always remember my personal and legal obligation to my community and State and must not surrender the responsibilities to any other person, group, organization; and that, beyond these, I have a moral and civic obligation to the nation which can remain strong and free only so long as public schools in the United States of America are kept free and strong.

In view of the foregoing consideration, it shall be my constant endeavor

1. to devote time, thought, and study to the duties and responsibilities of a school board member so that I may render effective and creditable services;

2. to work with my fellow Board Members in a spirit of harmony and cooperation in spite of differences of opinion that arise during vigorous debate of points at issue;
3. to base my personal decision upon all available facts In each situation; to vote my honest conviction in every case, unswayed by partisan bias of any kind, thereafter to abide by and uphold the final majority decision of the Board;
4. to remember at all times that as an individual I have no legal authority outside the meeting of the board, and to conduct my relationships with the school staff, and local citizenry, and all media of communication on basis of this fact;
5. to resist every temptation and outside pressure to use my position as a School Board Member to benefit either myself or any other individual or agency apart from the total interest of the school district.
6. to recognize that it is as important for the board to understand and evaluate the educational program of the schools as it is to plan for the business of school operation;
7. to bear in mind under all circumstances that the primary function of the Board is to establish the policies by which the schools are to be administered, and that the administration of the educational program and the conduct of school business shall be left to the superintendent and his staff;
8. to welcome and encourage active cooperation by citizens, organizations, and the media in the community with respect to establishing policy on current on current school operation and proposed future developments;
9. to hold in complete confidence all decisions of the board and information given to the Board in regard to character and good name of individuals; and
10. finally, to strive, step by step, to achieve

ideal conditions for most effective School Board service to my community, in a spirit of teamwork and devotion to public education as the greatest instrument for the preservation and perpetuation of our representative democracy.

CODE OF CONDUCT

PLEDGE

As a member of the Birmingham Board of Education, I realize and hold dear the trust that my constituents have placed in me as their elected official. To abuse that trust would be to accept gifts, favors, awards or special privileges from anyone who is seeking employment, compensation, services and contracts from the Birmingham Public School System. As a voting member of the board, I must maintain my integrity and objectivity in all my decisions which affect employees, vendors and various businesses. This Code of Conduct, I promise to uphold.

BIRMINGHAM CITY SCHOOLS

Approved: 8/6/74
Revised: 9/22/87
Revised: 1/27/04

BOARD SELF EVALUATION

The Board believes that evaluation of its effectiveness will improve the Board's performance, exemplify the kind of constructive assessments the Board encourages for all school personnel and programs, and promote a spirit of teamwork throughout the school system.

The Board will assess its own performance annually according to goals established by the Board.

This information will be used by the Board each year in establishing the goals and objectives it will strive to accomplish during the subsequent year.

EQUAL EMPLOYMENT OPPORTUNITY

The Birmingham City Schools is an equal opportunity employer and welcomes all qualified applicants for vacancies in the district that there shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, creed, marital status, gender, sexual orientation, age or handicap.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/06/74

REVISED: 4/21/81

REVISED: 9/22/87

REVISED: 6/22/04

BIRMINGHAM CITY SCHOOLS

SERIES 2000

ADMINISTRATION

SUPERINTENDENT OF SCHOOLS

The Superintendent is the Chief Executive Officer (CEO) of the Birmingham City Schools.

The Superintendent:

- Is appointed by the Board and accountable to it;
- Serves at the pleasure of the Board subject to a written contract;
- Supervises all schools and all personnel of the Birmingham City Schools;
- Is responsible for the management of the schools under Board policies; and
- Serves as Secretary to the Board.

The superintendent may delegate to other school personnel the exercise of any powers and the discharge of any duties assigned to the Superintendent by the Board under these policies. The delegation of power or duty, however, shall not relieve the superintendent of responsibility for any action taken under such delegation.

SUPERINTENDENT - DESIGNEE

When the Superintendent anticipates he/she will be absent from the city for a period of time, the superintendent may designate a system employee to act on his/her behalf during the absence and to perform such duties and make such decisions as may be necessary. The authority as well as the responsibility of the Superintendent will be delegated to the designee for the time so specified.

If such designation will last for a period of longer than 5 working days, the board shall be notified by letter in advance.

DUTIES AND RESPONSIBILITIES OF THE SUPERINTENDENT

The responsibilities of the Superintendent are:

1. To be executive officer of the Board who, within the Board's policies, directs the management of the Birmingham City Schools (the System);
2. To plan and recommend to the Board the purpose, program and policies for the System, and once these are adopted by the Board, to achieve those purposes and implement those programs and policies;
3. To establish, subject to the Board's approval, the organization of the staff of the System in a manner to effectively accomplish the System's purposes. This includes the assignment of the number and types of positions and personnel required to implement the Board's policies and to operate the Schools;
4. To seek the most capable candidates for employment and to nominate to the Board all regular and part-time employees and consultants;
5. To provide leadership to the Board, the staff, and the community in continuing efforts to improve the effectiveness and efficiency of the System;
6. To promote the continuous professional growth of the employees of the system;
7. To establish and maintain a thorough program of research and evaluation of all aspects of the System's operation and to provide the Board with the information needed to evaluate the effectiveness of the System and set goals for priorities and improvements;
8. To keep the public informed of school programs, to be mindful of community interests in planning improvements, and to involve citizens of the community, in appropriate ways, in system planning, operation, and evaluation;

9. To plan, for adoption by the Board, the annual budget and to administer that budget in a diligent manner. Budgeted funds shall be expended in a fair and efficient manner in accordance with state laws and common accounting practices, and they shall be expended in a manner that promotes equity in the investment of financial resources for all students;
10. To hear and resolve disagreements concerning school operations and administrative decisions.
11. To keep informed of new developments in modern educational thought and practices, and new or revised federal or state laws and judicial decisions and opinions. The Superintendent shall, at least once per year, give the Board an overview of applicable developments in the field and his/her opinion as to their potential impact on the System.
12. To serve the Board as Secretary or appoint a designee at all Board meetings.
13. To attend all Board meetings, participating in all deliberations except those concerning his/her appointment, or those deliberating on personnel hearings.

BIRMINGHAM CITY SCHOOLS

APPROVED: 9/9/75
REVISED: 4/21/81
REVISED 2/10/04

EVALUATION OF SUPERINTENDENT

At least once per year, the Board will evaluate the performance of the Superintendent in writing. The evaluation will take into account the Superintendent's written contract, his/her performance on priorities set by the Board during the previous year, and the performance of the Birmingham City Schools as measured by state reports. The Board shall comment on strengths and weaknesses and make suggestions for improvement of the Superintendent's performance, or other recommendations as deemed necessary.

REVISED:

ADMINISTRATION

2060

NOTICE OF ADMINISTRATIVE VACANCIES

Every effort will be made to recruit the best possible applicants for administrative positions. The Superintendent will set minimum qualifications for positions. Only applicants who meet the minimum qualifications in job announcements will be considered and all job announcements will include appropriate requirements for certification and training mandated by state law and/or regulation.

All administrative job vacancies will be posted in prominent places in all school buildings for at least 10 business days and advertised on two consecutive Sundays in the Birmingham News/Post Herald. Postings will follow Ala. Code § 16-22-15 Posting Vacancies Law (or as revised).

Administrative vacancies not filled within six months of initial posting will be considered as new vacancies and will be required to be newly posted and filled under the conditions described above.

All applications will be acknowledged and all unsuccessful applicants will be notified in writing.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/6/74
REVISED: 4/21/81
REVISED: 9/22/87
REVISED: 2/10/04

EMPLOYMENT OF CONSULTANTS

From time to time the Superintendent may find it necessary to hire consultants or to offer consulting contracts to assist him/her in carrying out the policies and educational programs of the Birmingham City Schools. In such cases the Superintendent will make recommendations to the Board. The Board may accept or reject those recommendations. In the case of a rejection, the Superintendent may make new recommendations.

No consultant will be hired nor any consulting contract awarded except as approved by the Board.

POLICY IMPLEMENTATION

The Superintendent has responsibility for implementing policies established by the Board.

All personnel have an obligation to both implement and support these policies. The Superintendent is expected to provide staff members and the community with opportunities to suggest new policies and policy improvements. Staff suggestions for policy modification should be presented to the Superintendent.

ADMINISTRATIVE REGULATIONS

The Board delegates to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and detailed arrangements constitute the administrative regulations governing the schools. They shall be consistent with policies adopted by the Board. The Board shall be provided with copies of said rules and regulations.

EMERGENCY CLOSINGS

The Superintendent or the Superintendent's designee is authorized to close schools in the event of hazardous weather or other emergencies which present threats to the safety of students, school staff, or school property.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/6/74
REVISED: 4/21/81
REVISED 2/10/04

SITE-BASED MANAGEMENT

The Birmingham Board of Education designates the individual school site as the primary unit of accountability and therefore distributes decision-making authority (within all Federal, State, and Local policies and laws) to the individual school site as the means by which improvement is made and sustained.

Site-based management is the decision-making process to be used by the Birmingham Public Schools to assure that those closest to the students - principals, teachers, support staff, parents, community leaders - work together to design and implement an educational program to best meet the needs of students who attend each school.

Guidelines for Site-based Management in the Birmingham Public School System are a part of the administrative regulations. See Administrative Regulation R2201. Any changes in the guidelines must be ratified by the Board.

BIRMINGHAM CITY SCHOOLS

3000 SERIES

PERSONNEL SECTION

EQUAL EMPLOYMENT OPPORTUNITY

The Birmingham Board of Education is an equal opportunity employer and welcomes all qualified applicants for vacancies in the Birmingham Public School System. It is the policy of this school district that there shall be no discrimination against any employee or applicant for employment by reason of race, color, national origin, creed, marital status, sex, age or handicap.

Certification of teachers and other personnel is determined by governing State laws and guidelines established by the State Board of Education. Personnel assignments shall be made in accordance with governing laws and regulations.

LINE AND STAFF RELATIONS

Personnel employed by the Birmingham City Schools are responsible to the Board through the Superintendent.

Staff members will refer matters requiring administrative action to the administrative officer immediately in charge of the area. Administrative officers will refer such matters to the next higher authority when necessary.

Staff members have the right to appeal decisions made by an administrative officer through approved grievance procedures.

All personnel will keep the person to whom they are immediately responsible informed of their job-related activities.

EMPLOYEES IN ACTING/INTERIM POSITIONS

Except as otherwise set forth herein, no employee will serve in any acting/interim position for a period longer than nine (9) months. Employees who are employed in acting/interim positions, as opposed to permanent positions, will be paid a salary that is the same as the listed salary for the position if it were filled by an employee in a permanent capacity, for the duration of the time they serve in the acting/interim position, or nine (9) months, whichever is less. After this time period has passed, or after the acting/interim position is filled by a permanent employee, whichever occurs first, the person serving in the acting/interim position will return to his or her previous level of employment and receive the salary that is assigned to that level of employment. The position must then, if not already filled, be posted or abolished, with public notice for all interested parties. The posted notice of employment will be for a permanent position.

This policy does not apply to positions that are filled on an acting/interim basis because the individual who held the position previously has been called into military duty pursuant to The Uniformed Services Employment and Reemployment Rights Act (USERRA, Title 38, Part 3, Chapter 43 of the U.S. Code) or similar state or federal legislation that gives rights to that individual to his or her previous position or to a position of like seniority and status. This policy also does not apply to the position of acting/interim superintendent.

EMPLOYEE GRIEVANCE PROCEDURE

Any employee may register a grievance when he/she believes he/she has been improperly treated by the misinterpretation or violation of the Birmingham City Schools policies, laws, or administrative regulations or procedures, or alleged, unfair, discriminatory, unreasonable or abusive treatment. Employee evaluation shall not be the subject of the grievance procedure described herein. In their effort to secure consideration, adjustment, or settlement of grievances, employees shall be free of interference, restraint, coercion or reprisals. It is desirable that problems be resolved at the earliest possible time and at the most immediate level of supervision. If any employee believes he/she may have a grievance, he/she shall advise his/her immediate supervisor of his/her concern and request explanation or relief. For teachers and all other local school personnel, the principal shall be the person to whom they report. The principal or supervisor will hear the concern and offer a response. If the employee is not satisfied, he/she may initiate a formal response. If the employee is not satisfied, he/she may initiate a formal grievance according to the following procedures:

Step 1

The grievance must be submitted in writing to the principal or immediate supervisor within (15) working days of when the problem occurred or should have been known. The grievance shall cite the reasons and nature of the complaint and be signed by the employee on the board approved grievance form. The supervisor will afford the employee a conference if one is requested or may call a meeting on his/her own initiative. If the grievance is not within his/her authority to resolve, he/she shall advise the employee to appeal to the next supervisory level. The employee may be accompanied by one advisor of his/her choosing. Within (15) working days of the receipt of the grievance, the supervisor will provide the grievant a reply in writing.

Step 2

If not resolved to his/her satisfaction, the grievant may, within (5) working days of receipt of the supervisor's reply, forward his/her grievance and the supervisor's reply to the next appropriate supervisory level. The supervisor or his/her designee will afford the grievant a conference if he/she requests it or schedule one on his/her own initiative. The issues presented at this level shall be limited to those set forth in the initial grievance form. The grievant may be accompanied by one advisor of his/her choosing. Within (15) working days of the receipt of the grievance, the supervisor will provide the grievant a reply in writing.

Step 3

If not resolved to his/her satisfaction, the employee may, within (5) working days forward his/her grievance with his/her immediate supervisor's and second level supervisor's replies to the Superintendent. To advise the Superintendent, a Grievance Committee of three persons will be established. The grievant will designate one person to be on the committee, and all

expenses borne by the participation of this person will be borne by the grievant. The Superintendent will designate one person and any expense incurred will be borne by the School System. A third person for the committee shall be jointly selected by the grievant and the Superintendent. Any expenses incurred shall be equally shared. Within (5) working days of the Superintendent's receipt of the Level 3 grievance request, he or his designee will contact the grievant to schedule a meeting to jointly select a 3rd party neutral and name both parties' designees. The Committee shall schedule a conference within (15) working days of appointment at a mutually agreeable time. The Committee shall render its decision and transmit its recommendation along with a record of its findings to the Superintendent within (15) working days of the hearing. The Superintendent will render his decision and transmit it in writing within (5) working days of his receipt of the Committee's recommendation.

Step 4

If the grievance is not resolved to his/her satisfaction, the employee may request a review by the Board of Education within (5) working days of receipt of the Superintendent's decision. The Board will grant a conference within (15) working days of the grievant's request. The Board's review shall be limited to the issues set forth in the initial grievance form. The grievant may be accompanied by one advisor of his/her choosing at the conference. After the conference, the Board will render its decision within (5) working days of the conference. The decision will be transmitted to the employee in writing.

The decision of the Board is final.

Although the above procedure prescribes time limits, every effort will be made to resolve grievances in less time insofar as possible. The failure of the employee to appeal any decision to the next step within the time set forth for such appeal shall be considered an abandonment of his/her grievance unless modification of the time limits are approved by the Superintendent.

The above procedures in no way replace appeal procedures available to employees as specified by Alabama Statute.

BIRMINGHAM CITY SCHOOLS

APPROVED: 3/25/75

REVISED: 4/21/81

REVISED: 9/22/87

REVISED: 4/13/04

REVISED: 2/14/12

PERSONNEL

BIRMINGHAM CITY SCHOOLS
GRIEVANCE REPORT FORM

Name of Grievant _____

Worksite _____

Home Phone _____ Work Phone _____

Date Filed _____

Statement of Grievance

Relief Sought

Request Meeting Yes _____ No _____

Grievant's
Signature _____ Date _____
Received By _____ Date _____
Meeting Date _____

LEVEL I
LEVEL I REPOSE

Signature/Superintendent

Designee _____ Date _____

Signature/Grievant Representative _____ Date _____

Signature/3rd Party Neutral _____ Date _____

Superintendent

Accept Recommendation _____

Reject Recommendation _____

Date _____

Response

Accept (Issue Resolved) _____

Reject (Appeal to School Board) _____

APPEAL TO SCHOOL BOARD

Date Submitted _____

Hearing Date _____

<p>SCHOOL BOARD DECISION</p> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

Signature/President of School Board or Designee _____

Date _____

*Decision of the Board is final.

EVALUATIONS

The purpose of employee appraisal is to assist all personnel in their job performance. Evaluation shall be a continuous process, which stresses praise for excellence and suggestions for improvements. Evaluation is conducted by the Superintendent or his designee and will be related to the employee's duties and performance of the job. The process of evaluation may involve assembling documentation from a variety of sources. A formal evaluation in which the employee is apprised in writing of his or her progress shall be conducted at least annually and entered along with employee comments into the personnel record. Shall there be disagreement with the evaluation, the employee may request and obtain a conference concerning the evaluation with the evaluator's supervisor. The evaluator's supervisor will schedule a meeting within 10 working days of receipt of the employee's request. The employee may offer any written comments desired which will be attached to the evaluation.

PROFESSIONAL EDUCATION PERSONNEL EVALUATION PROGRAM (PEPE)

The Birmingham City School System accepts its responsibility as specified in Alabama State Board of Education Resolution I-1-f adopted January 11, 1990, for establishing policies and procedures for the Professional Education Personnel Evaluation Program in the schools under its jurisdiction. The formative component was used for teachers during the 1997-1998 school year; Thereafter, the summative component will be used for all teachers.

The formative component is to be used for counselors, librarians, special education II, school psychometrists, school psychologists, assistant principals, principals and central office personnel during the 2002-2003 school year and the 2003-2004 school year. Beginning with the 2004-2005 school year and continuing thereafter, the summative component will be used for this class of employees.

In order to comply fully with the requirements of the resolution, the Board delegates to the Superintendent the responsibility for developing and implementing for the Board's consideration an operational plan for the systematic implementation of the Professional Education Personnel Evaluation Program of Alabama, Alabama State Department of Education, April 1997, as updated periodically by the Alabama State Department of Education.

Evaluations Continued

EVALUATION CERTIFICATION POLICY

It is the goal of the Birmingham City School System (the "School Board") to deliver quality educational services, to ensure that the educational goals and objectives are understood and pursued, to specify performance responsibilities, to ensure the enhancement of professional capabilities. Accordingly, the School Board requires that all principals, assistant principals, directors and certified central office personnel successfully complete the Alabama Professional Educational Personnel Evaluation Program, and receive certification from that program that said supervisor is capable of conducting evaluations of educational personnel.

Any supervisor who fails to participate in and receive state evaluation certification shall be subject to disciplinary action up to and including transfer, reassignment, or termination of employment.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/6/74; 10/9/98; 5/6/97

REVISED: 4/21/81; 9/22/87

REVISED: 4/23/96

REVISED: 4/13/04

BIRMINGHAM CITY SCHOOLS PRINCIPAL TENURE POLICY

All tenure decisions for principals hired on or before June 30, 2000 are subject to the Tenure Act 16-24-1 through 16-24-8. Tenure decisions will be made based upon demonstrated excellence with respect to:

1. Communication
2. Collaboration
3. Assessment/Measurement/Evaluation
4. Organizing For Results
5. Planning
6. Federal/State/Local Laws and Policies
7. Problem-Solving
8. Innovation
9. Technology Management
10. School Operations and Management
11. Fiscal Leadership and Management
12. Management of Professional Responsibilities
13. Leadership of Human Resources
14. Academic Achievement
15. Parental Relations

Principals hired for the first time on or after July 1, 2000 will be subjected to the provisions as outlined in the Teacher Accountability Act. (Alabama Code 16-24B-1 through 16-24B-8)

“HIGHLY QUALIFIED” TEACHERS AND PARAPROFESSIONALS

The Birmingham Board of Education desires that all new and existing teachers and paraprofessionals employed by the Board be “highly qualified” in accordance with the provisions of The No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301, et.seq., as amended, (“NCLBA”) and as same is defined by the Alabama State Board of Education. The most recent “Procedures for Hiring a Teacher Who is Not Yet Highly Qualified” developed by the Alabama State Board of Education (as applicable and as it may be amended from time to time) shall be utilized by the Board and is incorporated herein by reference. No Title II, Part A or Title I, Part A funds shall be used to pay the salary of any teacher or paraprofessional (except under NCLBA Section 2141(c)(2)) who does not meet the NCLBA and State definitions of a “highly qualified” teacher. This policy shall be effective as of the date of approval by the Board of Education.

OUTSIDE EMPLOYMENT

Outside employment shall not interfere with the proper exercise of professional duties and responsibilities to the Board.

No activities related to outside employment may be performed during regular work hours.

LEAVE OF ABSENCE

Upon the recommendation of the Superintendent, a tenured teacher or other employee designated by the Birmingham City Schools may, on request, be granted a one-year leave of absence without payment of salary. For valid reasons, additional leave of one-year may be granted upon written request and appropriate approval if requested prior to the end of the first year's leave of absence. Leaves of Absence are employee privileges, which should not be abused through unreasonable requests.

LEGAL

Leave shall be granted for jury duty, court subpoenaed witnessing, and other legal obligations as approved by the Superintendent. Salary shall be continued at the regular rate. School system related litigation and jury duty shall be with pay.

Funds received for serving as a juror in state and federal court shall be retained by the juror.

MATERNITY

The Birmingham City Schools certifies its compliance with Public Law 103-3, the Family and Medical Leave Act (FMLA). The act is applicable to all full-time employees of the Birmingham City Schools. Under FMLA, an eligible employee is entitled to 12 weeks of unpaid leave during a twelve-month period for the following:

- Birth and first year care of child
- Adoption or foster care of a child
- Care of a seriously ill family member (son, daughter, spouse, parent)
- Employee's own serious health condition

Employees shall give reasonable notice of the beginning date of maternity leave.

The employee will remain in active service until such time as she and her physician conclude that withdrawal from performance of her duties is justified for reasons of health and safety. The employee may use all accumulated sick leave for maternity leave.

Once sick leave is exhausted, maternity leave may continue without pay.

The Superintendent may require the employee to provide physician certification prior to granting Family Medical Leave.

The employee may return from leave to her position or an equivalent position as soon as her physician certifies she is able to return to work.

An employee with tenure or non-probationary status may apply for and be granted a leave of absence without pay to remain away from duty for the remainder of the school year.

(Leave of Absence Continued)

MILITARY

Leave for performing military service will be granted consistent with, and subject to, the provisions of the Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 ET. seq., Alabama Code 31-2-13 (as amended), and Alabama Code 31-12-1, ET. seq. To the extent that such notice is possible, written or oral notice of the impending military service to be provided to the Board. All questions concerning the rights and obligations of both employee and employer under these federal and state laws should be directed to Personnel.

HARDSHIP

Employees, who are unable to report to work because of their displacement caused by natural disasters, may be granted up to twenty (20) days of hardship leave with pay upon approval of the Superintendent.

The Superintendent may request any and all appropriate documentation to verify such hardship.

PERSONAL

Subject to the following, regular professional employees will be provided three days personal leave annually on a non-cumulative basis.

The first two days shall be with full pay; the third shall be at full pay minus the amount paid a substitute teacher.

When personal leave is needed, the staff member shall notify his/her immediate supervisor as soon as possible so that necessary arrangements can be made. Even though advance approval is not required, at least twenty-four hour notice is encouraged.

Personal leave should not be requested to extend holidays or during the first week and the last two weeks of the school year.

Personal leave shall not be applicable to summer work.

PROFESSIONAL

The Board authorizes detached duty at the discretion of the Superintendent. Detached duty shall be reasonable and for the purpose of enhancing professional growth and improving competence as it relates to the Board's educational objectives and to the job responsibilities of the individual staff member.

SICK LEAVE

Sick leave with pay shall be available to all full-time employees in accordance with the State Law as earned at the rate of one day per month for the months employed. Unused sick leave will carry over to each succeeding year of employment for certificated professional staff and non-certificated staff as

(Leave of Absence Continued)

provided by statute. Unused sick leave accumulated in another Alabama Public School System and certified by the previous Board of Education will be credited to any such individual who may be employed by the Birmingham Board of Education.

Accumulated sick leave with pay may be used only for absences due to illness or other causes as defined by State law as follows:

1. Personal illness
2. Bodily injury, which incapacitates the employee
3. Attendance upon an ill member of the immediate family (husband, wife, father, mother, son, daughter, brother, sister, step parents) of the employee or a person standing in loco parentis.
4. Death in the immediate family of the employee (husband, wife, father, mother, son, daughter, brother, sister, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, uncle, aunt, grandfather, grandmother, grandson, granddaughter, step parents)
5. Where unusually strong personal ties exist, due to an employee having been supported or educated by a person of some relationship other than those listed, this relationship may be recognized for leave purposes. In such case the employee concerned shall file with his local Board of Education a written statement of the circumstances, which justify an exception to the general rule.
6. Maternity Leave (see maternity leave policy)

If an employee is absent due to a personal illness or injury for five consecutive days, the employee shall provide his principal or immediate supervisor with a statement signed by a doctor certifying to the illness or injury. If absences occur frequently or if there is reason to question whether an absence complied with the above causes, the Superintendent may require that the employee provide verification of the reason.

ABSENCE FOR LEGISLATIVE SERVICE

An employee of the Birmingham City School System shall be granted an approved absence while attending sessions as an elected or appointed legislative governmental officer or member.

Such leave will be granted with regular pay minus the cost of a substitute for each day's absence.

(Leave of Absence Continued)**FAMILY AND MEDICAL LEAVE**

The Birmingham Board of Education certifies its compliance with Public Law 103-3, the Family and Medical Leave Act (FMLA). The FMLA is applicable to all persons who have been employed by the Board for at least twelve (12) months and who have worked a minimum of 1250 hours during that twelve-month period. Under FMLA, an eligible employee is entitled to twelve (12) weeks of unpaid leave during a twelve-month period for the following:

1. Birth and first year care of a child
2. Adoption or foster care of a child
3. Care of a seriously ill family member (son, daughter, spouse, parent)
4. Employee's own serious health condition.

Employees may utilize paid leave (sick and personal) before qualifying for unpaid leave. A combination of paid and unpaid leave shall not exceed a total of twelve (12) weeks. In the instance of birth, adoption, or foster placement, the entitlement to leave for child care expires at the end of the twelve-month period beginning on the date of birth or placement. Entitlement for leave associated with illness of a child occurs only when the child is under eighteen (18) years of age or incapable of self-care due to physical or mental disability. In cases whereby both spouses are Board employees, the combined amount of leave for child birth, adoption, foster placement or to care for a sick parent, is limited to twelve (12) weeks. Basically, "serious health condition" affects an employee who is not receiving inpatient care in a hospital, hospice, or residential health care facility, but must be absent for more than three (3) consecutive days. There are some exceptions allowed by the FMLA such as asthma, epilepsy, and diabetes, even when episodes related to such problems do not cause incapacitation for more than three (3) consecutive days. Pregnancy and related conditions also apply.

INTERMITTENT LEAVE

If medically necessary, intermittent or reduced leave may be taken by employees as approved by the Board, for a serious health condition of the employee, or the employee's spouse, child or parent.

NOTIFICATION

Employees must provide the Superintendent at least thirty (30) days written notice of the date when leave is to begin, except where circumstances are such that reasonable advance notice is not possible.

CERTIFICATION

The Board requires that a request for leave based on the serious health condition of the employee, employee's children, spouse, or parent be supported by certification issued by the appropriate health care provider. It shall state: 1) date the serious health condition began; 2) the probable duration of the condition; 3) the necessity for the employee's leave; 4) that the employee is unable to perform his/her job functions. Applications for FMLA leave must be completed and submitted to the Department of Human Resources at least thirty (30) days prior to the proposed beginning leave date. In case of an emergency, the employee shall notify Human Resources as soon as he/she can make provisions to do so.

(Leave of Absence Continued)

The Board reserves the right, at its own expense, to designate a second health care provider (not an employee) to provide a second opinion. If the first and second opinions conflict, the Board may, at its own expense, require a third opinion by a provider approved by the Board and the employee. This opinion shall be binding upon the employee's return to work. The Board may require the employee to provide certification by the employee's health care provider that the employee is able to resume work.

The employee shall complete Form 380, which is made available by the Department of Human Resources. This is the form provided by the Wage and Hour Division of the United States Department of Labor. A copy of which is attached.

BENEFITS

Benefits accrued by the employee before leave is taken will not be altered by absences under this policy. The employee is entitled to continuation of health benefits during the leave period under the same conditions these benefits would have been provided if no leave had been taken. If an employee fails to return to work after this leave period expires, the Board may recover the health benefit premiums paid by the employer for benefits during the leave period.

RESTORATION

Upon return, the employee is entitled to restoration to his/her previous position in the system if the position is vacant. If the position is not vacant, the employee is entitled to an equivalent position within the system, with equivalent pay, benefits and conditions of employment.

The Board may require periodic reports regarding the status and intention of the employee to return to work.

BIRMINGHAM CITY SCHOOLS

APPROVED: 1/28/75; 8/6/74; 2/24/04
REVISED: 2/28/78; 4/21/81; 9/22/87
REVISED: 4/13/04
REVISED: 7/26/11

Certification of Health Care Provider for
Employee's Serious Health Condition
(Family and Medical Leave Act)

U.S. Department of Labor
Employment Standards Administration
Wage and Hour Division



OMB Control Number: 1215-0181
Expires: 12/31/2011

SECTION I: For Completion by the EMPLOYER

INSTRUCTIONS to the EMPLOYER: The Family and Medical Leave Act (FMLA) provides that an employer may require an employee seeking FMLA protections because of a need for leave due to a serious health condition to submit a medical certification issued by the employee's health care provider. Please complete Section I before giving this form to your employee. Your response is voluntary. While you are not required to use this form, you may not ask the employee to provide more information than allowed under the FMLA regulations, 29 C.F.R. §§ 825.306-825.308. Employers must generally maintain records and documents relating to medical certifications, recertifications, or medical histories of employees created for FMLA purposes as confidential medical records in separate files/records from the usual personnel files and in accordance with 29 C.F.R. § 1630.14(c)(1), if the Americans with Disabilities Act applies.

Employer name and contact: _____

Employee's job title: _____ Regular work schedule: _____

Employee's essential job functions: _____

Check if job description is attached: _____

SECTION II: For Completion by the EMPLOYEE

INSTRUCTIONS to the EMPLOYEE: Please complete Section II before giving this form to your medical provider. The FMLA permits an employer to require that you submit a timely, complete, and sufficient medical certification to support a request for FMLA leave due to your own serious health condition. If requested by your employer, your response is required to obtain or retain the benefit of FMLA protections. 29 U.S.C. §§ 2613, 2614(c)(3). Failure to provide a complete and sufficient medical certification may result in a denial of your FMLA request. 20 C.F.R. § 825.313. Your employer must give you at least 15 calendar days to return this form. 29 C.F.R. § 825.305(b).

Your name: _____
First Middle Last

SECTION III: For Completion by the HEALTH CARE PROVIDER

INSTRUCTIONS to the HEALTH CARE PROVIDER: Your patient has requested leave under the FMLA. Answer, fully and completely, all applicable parts. Several questions seek a response as to the frequency or duration of a condition, treatment, etc. Your answer should be your best estimate based upon your medical knowledge, experience, and examination of the patient. Be as specific as you can; terms such as "lifetime," "unknown," or "indeterminate" may not be sufficient to determine FMLA coverage. Limit your responses to the condition for which the employee is seeking leave. Please be sure to sign the form on the last page.

Provider's name and business address: _____

Type of practice / Medical specialty: _____

Telephone: () _____ Fax: () _____

PART A: MEDICAL FACTS

1. Approximate date condition commenced: _____

Probable duration of condition: _____

Mark below as applicable:

Was the patient admitted for an overnight stay in a hospital, hospice, or residential medical care facility?
___ No ___ Yes. If so, dates of admission:

Date(s) you treated the patient for condition:

Will the patient need to have treatment visits at least twice per year due to the condition? ___ No ___ Yes.

Was medication, other than over-the-counter medication, prescribed? ___ No ___ Yes.

Was the patient referred to other health care provider(s) for evaluation or treatment (e.g., physical therapist)?
___ No ___ Yes. If so, state the nature of such treatments and expected duration of treatment:

2. Is the medical condition pregnancy? ___ No ___ Yes. If so, expected delivery date: _____

3. Use the information provided by the employer in Section I to answer this question. If the employer fails to provide a list of the employee's essential functions or a job description, answer these questions based upon the employee's own description of his/her job functions.

Is the employee unable to perform any of his/her job functions due to the condition: ___ No ___ Yes.

If so, identify the job functions the employee is unable to perform:

4. Describe other relevant medical facts, if any, related to the condition for which the employee seeks leave (such medical facts may include symptoms, diagnosis, or any regimen of continuing treatment such as the use of specialized equipment):

PART B: AMOUNT OF LEAVE NEEDED

5. Will the employee be incapacitated for a single continuous period of time due to his/her medical condition including any time for treatment and recovery? No Yes.

If so, estimate the beginning and ending dates for the period of incapacity: _____

6. Will the employee need to attend follow-up treatment appointments or work part-time or on a reduced schedule because of the employee's medical condition? No Yes.

If so, are the treatments or the reduced number of hours of work medically necessary?
 No Yes.

Estimate treatment schedule, if any, including the dates of any scheduled appointments and the time required for each appointment, including any recovery period:

Estimate the part-time or reduced work schedule the employee needs, if any:

_____ hour(s) per day; _____ days per week from _____ through _____

7. Will the condition cause episodic flare-ups periodically preventing the employee from performing his/her job functions? No Yes.

Is it medically necessary for the employee to be absent from work during the flare-ups?
 No Yes. If so, explain:

Based upon the patient's medical history and your knowledge of the medical condition, estimate the frequency of flare-ups and the duration of related incapacity that the patient may have over the next 6 months (e.g., 1 episode every 3 months lasting 1-2 days):

Frequency: _____ times per _____ week(s) _____ month(s)

Duration: _____ hours or _____ day(s) per episode

ADDITIONAL INFORMATION: IDENTIFY QUESTION NUMBER WITH YOUR ADDITIONAL ANSWER.

SICK LEAVE BANK POLICY

1. General. The Sick Leave Bank is established to provide a loan of leave days for participating members after their accumulated sick leave days have been exhausted. This policy provides basic guidelines for employees regarding the contents of Alabama Code 16-22-9 but does not present the Code in its entirety.
2. Committee. The Sick Leave Bank Committee is charged with the administration and operation of the Sick Leave Bank. Procedures, decisions, and recommended changes in the guidelines may occur only upon a majority vote of all committee members.
 - A. The Sick Leave Bank Committee shall consist of five (5) members. One shall represent the Board of Education and four shall represent the participating members of the sick leave bank.
 - B. At the beginning of each scholastic year, an election shall be held among the sick leave bank members to determine by secret ballot the four members who are to serve on the Sick Leave Bank Committee. The term of office shall be one year and shall begin on October 1 and expire on September 30. Upon passage of this policy, the initial Sick Leave Bank Committee members shall serve less than one year, ending September 30, 2003. The Superintendent or designee shall be responsible for conducting the election in a fair and equitable manner, ensuring the confidentiality of the secret balloting process. The Superintendent shall also appoint the Board's representative on the committee, subject to Board approval.
 - C. The Committee shall develop guidelines, administrative procedures and forms for the orderly operation and administration of the Sick Leave Bank. At a minimum, said guidelines and procedures must include those provisions required by law, as found in Alabama Code, §16-22-9 (1975).
3. Guidelines. Procedures, decisions, and guidelines established by the Sick Leave Bank Committee shall include the regulations of this section. Additional guidelines shall be adopted by the Sick Leave Bank Committee as may be

deemed appropriate and beneficial. No Sick Leave Bank Committee shall adopt any regulations or form which conflicts with the following general regulations unless otherwise required by law:

- A. Employee membership in the sick leave bank shall be voluntary.
- B. At the beginning of the scholastic year, or upon employment of a new employee, as the case may be, the appropriate number of sick leave days shall, upon application of the employee, be credited to the employee's account to enable the employee to join the sick leave bank if the employee does not have the minimum number of sick leave days to enable him or her to join the bank.
- C. Before being eligible to use catastrophic sick leave days, the member of the sick leave bank shall first borrow and utilize days from the sick leave bank, up to a maximum of 15 days. However, if the member later qualifies for catastrophic sick leave, donated catastrophic sick leave days may be used to repay days owed to the sick leave bank to the credit of the affected member.
- D. No employee shall be allowed to owe more than 15 days to the sick leave bank, unless over 50 percent of the members of the bank vote to extend the limit.
- E. Sick leave days shall be repaid to the sick leave bank monthly as re-earned by the member. Upon the resignation or other termination of an employee who has an outstanding loan of sick leave days, the value of the loan shall be deducted from the final paycheck at the employee's prevailing rate of pay.
- F. Any alleged abuse of the use of the sick leave bank shall be investigated by the Sick Leave Bank Committee. On the finding of wrongdoing, the member shall repay all of the sick leave credits drawn from the sick leave bank and be subject to other appropriate disciplinary action as determined by the local authority.

- G. Upon retirement or transfer of the sick leave bank Member, days on deposit with the sick leave bank shall be withdrawn and transferred with the employee or made accessible for retirement credit, as applicable.
 - H. Any procedure developed by the Sick Leave Bank Committee shall be uniformly applied to all employees.
 - I. Voluntary withdrawal from participation in the sick leave bank will be by written notice to the Sick Leave Committee by September 15.
 - J. Accurate records shall be kept on every transaction of the sick leave bank and all transactions of any nature shall be recorded.
 - K. Appropriate administrative forms for administering the sick leave bank shall be developed and maintained by the Sick Leave Bank Committee.
4. 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.

References: Ala. Code 16-22-9.
Approved: April 4, 2002

OVERTIME AND COMPENSATORY TIME

Employees who are not exempt from the provisions of the Fair Labor Standard Act shall be scheduled for overtime work only with the prior approval of the employee's direct supervisor and the Superintendent. For the purposes of overtime compensation, only hours worked in excess of forty during a work week will be counted. Employees who work overtime shall have a choice between being compensated pursuant to the provisions of the Fair Labor Standards Act, or being granted compensatory time pursuant to the provisions of the Fair Labor Standards Act. Accurate records of overtime shall be documented and approved by the immediate supervisor. Those employees who are exempt from the provisions of the Fair Labor Standards Act will not receive overtime compensation nor will they receive compensatory time off.

The Board is to be furnished a copy of the overtime report on a monthly basis.

STUDENT TEACHERS

Admission and placement of student teachers shall be by the authorization of the Superintendent or his designee with due regards their proper supervision. The Birmingham City Schools encourages agreements between the system and colleges and universities for the purpose of preparing beginning teachers. When requested, supervision of student teachers shall be considered a reasonable part of the teaching job. Teachers may elect to participate in this program.

VOLUNTARY TRANSFER

A transfer is the lateral movement of an employee from one position to another position in the same capacity with the same level of duties, responsibilities, and salary schedule.

Requests by an employee for voluntary transfer to a different building or position shall not disrupt the instructional program and/or the orderly operation of the worksite.

Voluntary transfer requests will be considered in December (before the last regularly scheduled Board of Education meeting), and if approved by the Board of Education, the effective date will be the first working day in January of the same school year. Or, the voluntary transfer will be considered in April/May, and if approved by the Board of Education, the effective date will be the first working day of the succeeding school year. Requests for transfer may be considered at other times of the year at the discretion of the superintendent.

Such requests will be made in writing to the Superintendent or his/her designee. The request shall set forth the type/area of certification and/or the job title, and the worksites sought in order of preference.

The administration is not obligated to act on each request, but will align its review with the needs of the instructional program.

The assignment and transfer of personnel shall be decided by the Birmingham Board of Education on the recommendation of the Superintendent. All transfers shall be made in accordance with applicable Federal and State laws and shall not be made for personal or political reasons.

REDUCTION IN FORCE

(LAY-OFFS - CERTIFIED EMPLOYEES)

A reduction in force may take place when the Board determines that a financial exigency, shortage of revenues, decreased student enrollment, program change, serious natural disaster or other legitimate business reason requires that the contract of one or more teachers, principals, or other professional employees be terminated. Such a determination constitutes the necessary cause for dismissal. Subject to any applicable statutory and constitutional limitations, the Board has the authority to terminate, demote, or reassign professional personnel to achieve the necessary reduction in staff.

As a prerequisite to all other considerations, the Board shall determine upon the recommendation of the Superintendent, the organizational levels to be reduced. The Board should determine whether organizational levels (elementary, middle, junior high, senior high) are to be considered distinct categories. The personnel within these levels may be considered separately, (i.e., elementary and secondary, physical education, music, counselors, library personnel, media center, etc.).

The Superintendent's recommendation shall include a recommendation on the organizational level to be reduced, the level of employees to be affected and the particular employees to be dismissed. The Superintendent shall confine his or her recommendations for personnel reductions to personnel assigned to the affected programs or employment areas.

In making his or her recommendation, the Superintendent is bound to consider all of the factors set out in this policy and must adhere to the same guidelines for Reduction in Force (RIF) decision making as established for the Board.

Reductions shall be accomplished through attrition to the extent possible.

The Board shall not adopt a policy that is based solely on longevity or experience. When a reduction in force is necessary, the first employees to be dismissed will be non-tenured persons within the class of personnel being reduced. Non-tenured teachers will be retained when a tenured teacher is terminated only if the tenured teacher is not qualified by certification to teach the position which the non-tenured teacher occupies.

If more than one legally qualified tenured teacher is being considered for dismissal, the following criteria, in the order stated, will be used to determine which of the tenured teachers will be retained:

1. Certification in a teaching position which is being retained and is open. A tenured teacher with standard certification for the retained position will be given consideration over a tenured teacher with provisional certification.
2. Seniority in the length of continuous, full-time contracted certified employment in the district, beginning on the date the employee first reported to work.

If, based upon these factors, two or more tenured faculty are equally qualified for the position, the following will determine the order of the RIF:

1. The date the Board ratified the contract.
2. If all of the above are equal, lots will be drawn.

If more than one non-tenured teacher is in the position which is being reduced, the same criteria as used to determine which tenured teachers will be RIFed shall be used to determine which non-tenured teacher will be RIFed.

Any employee terminated or demoted pursuant to this policy shall have the following recall rights to a position for which he or she is certified, for one (1) calendar year from the effective date of his or her termination or demotion:

1. Tenured employees dismissed through staff reductions will, for a period of one year, be given priority consideration for re-employment if qualified by certificate and competency in the area of need, and if the employee has re-applied to the system for employment, in reverse order of dismissal before non-tenured employees in the same area are added to the staff.
2. Non-tenured employees who have been dismissed through staff reduction and are qualified by certificate and competency in the area of need will, for a period of one year, be given priority consideration for re-employment in reverse order of dismissal before licensed employees in the same area are added to the staff.

If a former employee refuses an offer of employment pursuant to this policy, his or her rights of recall are forfeited. Definitions used in this policy are as follows:

1. "Reduction in Force (RIF)" means the dismissal of a teacher, administrator, other professional employee or other contractual employee before the end of a contract term for reasons of financial exigency or program change. Non-renewal of a non-continuous service employees' annual contract is not a "reduction in force" as used in this policy.
2. "Financial Exigency" means any decline in the employing School Board's (hereinafter "Board") financial resources brought about by decline in enrollment, cuts in funding, decline in tax revenues, or any other actions or events that create a need to reduce financial expenditures for personnel.
3. "Program Change" means any elimination, curtailment or reorganization of a curriculum offering, program, or school operation because of a lack of student response to particular course offerings, legislative revisions to program funding, or a reorganization or consolidation of two or more individual schools or school districts.
4. "Continuing Service Status" (hereinafter "tenure" or "tenured") means the status obtained by a teacher, instructor, principal, or supervisor who has met the statutory requirements.

REDUCTION IN FORCE**(LAY-OFFS/NON-CERTIFIED EMPLOYEES)**

With respect to nonprobationary employees, a determination by the Board that a Reduction in Force (RIF) is necessary pursuant to this policy constitutes the necessary cause for dismissal. Subject to any applicable statutory and constitutional limitations, the Board has the authority to terminate employees to achieve the necessary reduction in staff.

The following procedures shall be used to implement a reduction in force:

1. The Superintendent shall recommend in writing to the Board the positions or job classifications to be affected and the particular employees to be dismissed. In making this recommendation, the Superintendent is bound to consider all of the factors set out in this policy. The Superintendent shall confine his or her recommendation for employee reduction to employees assigned to the affected positions or jobs classifications.
2. The Board, upon the recommendation of the Superintendent, shall determine the positions or job classifications to be affected and the particular employees to be dismissed.
3. To the extent possible the reduction shall be accomplished through attrition.
4. If reductions beyond those achieved by attrition are necessary, length of service with the employing board shall govern. Probationary employees will be the first to be terminated. A nonprobationary employee will be terminated only after all probationary employees in the designated position or job classification have been laid off. If it is necessary to include nonprobationary employees in the Reduction in Force, nonprobationary employees having the least length of service will be the first laid off. In the event two or more employees have the same length of service, the board will then consider the performance, ability, and skill of the employees.

Any employee terminated pursuant to this policy in order to have recall rights, shall reapply to the system and such employee will be given priority consideration when the position from which he or she was terminated is posted by the Board for one (1) calendar year from the effective date of his or her termination. Upon call back, the employee will be given five working days to

accept employment. If the employee does not respond or refuses the offer of employment pursuant to this policy, his or her rights of recall are forfeited. Furthermore, nonprobationary employees will be given priority consideration in other vacant positions in the system whereby they possess the necessary skills to do the job.

Nothing in this policy shall be deemed to create a property interest in the continued employment or to create an expectation of further or continued employment beyond that provided by applicable state law.

Definitions used in this policy are as follows:

1. "Probationary employee" is defined as that term is defined by the Student's First Act and as construed by applicable case law.
2. "Length of service" means the length of the most recent, uninterrupted period of continuous employment with the employing Board. Continuous employment will not be considered interrupted by holidays, vacation periods, summer recess or approved leaves of absence; however, in computing length of service, the period of any approved leave of absence shall not be counted as part of the total continuous employment.
3. "Reduction in Force" or "RIF" means the dismissal of one or more employees for reasons of financial exigency, serious natural disaster, justifiable decrease in jobs in the system or other good and just cause. Termination of probationary employee is not a "reduction in force" as used in this policy. Nothing in this policy shall affect the rights of the employing Board to remove a probationary employee or create procedural requirements for such removal beyond those set out in the Student's First Act.

DISCIPLINARY ACTION AGAINST EMPLOYEES

It is the policy of the Birmingham Board of Education to comply with the provisions of the Students First Act, and any other applicable state or federal law in regard to all proposed employment actions recommended by the Superintendent.

TRANSFER OF PERSONNEL

The assignment and transfer of personnel shall be decided by the Birmingham Board of Education on the recommendation of the Superintendent. All transfers shall be made in accordance with applicable Federal and State laws and shall not be made for personal or political reasons.

CODE OF ETHICS

All public employees must constantly uphold the integrity of the profession in all actions and relations with pupils, colleagues and the community. The professional educator recognizes worth and dignity of each individual and strives to attain excellence in all endeavors.

The professional educator obeys all laws, holds high moral and ethical standards, and renders professional service to the best of his ability.

The professional educator will abide by the policies set forth by the Birmingham City School System.

The professional educator accepts responsibility and does not permit private gain or personal whim to affect the discharge of that responsibility.

The professional educator is respectful to and supportive of the Board and the public whom he serves.

SEXUAL HARASSMENT

The Birmingham City School System is committed to maintaining a work environment free of sexual harassment. In keeping with this commitment, we will not tolerate harassment of employees and students by anyone, including supervisors, co-workers, vendors or other customers of the Board. Sexual harassment violates Title VII of the Civil Rights Act of 1964, as amended, and is unlawful as well as contrary to Board policy. Any supervisor or employee who engages in sexual harassment violates this policy and the law.

Unwelcomed sexual advances, requests for sexual favors and any other physical, verbal, or visual conduct of a sexual nature constitute sexual harassment when:

1. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or
2. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluations.
3. The conduct has the purpose of or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include but is not limited to unwelcomed sexual propositions; sexual innuendo; suggestive remarks, vulgar or sexually explicit comments, gestures, or conduct; obscene or sexually explicit pictures; sexually oriented "kidding," teasing, or practical jokes; and physical contact, such as patting, pinching, or brushing against another's body. In third-party situations, sexual harassment may also be present if one individual is offended by the sexual interaction, conduct, or communications between others.

All individuals in supervisory and management positions are responsible for maintaining a workplace free of sexual harassment and intimidation. In this role, the responsibilities of all Board supervisors and managers include but are not limited to the following:

1. Discuss this policy in detail with their employees and assure that all of them are aware that they can work in an environment of dignity and respect.
2. Assure employees that they are not required to endure insulting, degrading or exploitative sexual treatment and

inform them of the complaint process, including their right to by-pass an offending supervisor and complain to other Board officials or managers.

3. Immediately report any complaints concerning sexual harassment received from employees to the Human Resource Officer or to the Superintendent's designee, principal, supervisor or manager.

In addition to supervisors and management personnel, all Board employees are responsible for helping to assure that the Board is kept free of sexual harassment. If any employee experiences or witnesses harassment, please notify immediately the Human Resource Officer for Personnel, or the Superintendent's designee, principal, supervisor or manager. If the employee believes his or her immediate supervisor is harassing her or him, the formal complaint should be brought directly to the Human Resource Officer for Personnel.

The confidentiality of all harassment complaints is guaranteed. Personnel violating confidentiality will be immediately disciplined appropriately. Communications will be made to others only on a limited "need to know" basis. There will be no retaliation against any employee for filing complaints of sexual harassment.

The Administration is committed to promptly and thoroughly investigating all harassment complaints within 30 days. The complainant will be kept informed throughout the process. If, after a thorough investigation, it is determined that harassment has occurred, immediate and appropriate corrective and disciplinary action will be taken to end the harassment. Discipline will also be enforced against supervisory and management personnel who knowingly allow such behavior to continue. Appropriate follow-up will be taken to ensure that the harassment has stopped.

Please direct any questions regarding this policy to Human Resources Officer.

Birmingham City Schools
SEXUAL HARASSMENT REPORT FORM

Complainant _____

Home Address _____

School _____

Home Phone _____ School Phone _____

Date of Alleged Incident(s) _____

Name of person you believe sexually harassed you _____

List any witnesses that were present _____

Where did the incident(s) occur? _____

Describe the incident(s) as clearly as possible, including such things as: what force, if any, was used; any verbal statements (i.e. threats, requests, demands, etc.); what, if any, repeat phrases, physical contact, was involved; what did you do to avoid the situation, etc. (attach additional pages, if necessary)

This complaint is filed, based on my honest belief that _____
has sexually harassed me. I hereby certify that the information I have provided in this complaint is true, correct,
and complete to the best of my knowledge and belief.

Signature

Date

Received by

Date

BIRMINGHAM CITY SCHOOLS CODE OF PROFESSIONAL APPEARANCE

STATEMENT OF POLICY

All professional Board employees, including but not limited to, administrators, directors, administrative personnel, teachers, instructional aides, secretaries, administrative staff, custodial staff, transportation, maintenance, and child nutrition workers in the Birmingham City Schools shall implement the mandatory Code of Professional Appearance beginning August 2005. All employees are expected to be neat, clean and well groomed, and dressed in a manner that reflects the profession of education, the school system and the student body, while promoting a productive work environment and complying with health and safety standards.

The principal at each school in the District, and the directors/supervisors in all administrative offices have the authority to enforce the Code of Professional Appearance as promulgated.

RE-ASSIGNMENT OF TEACHERS IN TEMPORARY POSITIONS

Teachers who are given temporary assignments in special jobs shall be given priority in returning to their prior school if an appropriate vacancy exists.

Birmingham Board of Education's Title IX Policy

The Birmingham Board of Education is responsible for compliance with federal and state laws and regulations regarding nondiscrimination. In accordance with Title IX of the Education Amendments of 1972, 20 U.S.C. §1681, et seq., no person shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any Board program or activity receiving federal financial assistance.

The Board shall promote programs which ensure that discriminatory practices are eliminated in all district activities. Any student who engages in discrimination of another student or anyone from the district may be subject to disciplinary action up to and including expulsion. Any employee who permits or engages in discrimination may be subject to disciplinary action up to and including dismissal.

Any student, staff member, or parent who feels that discrimination has occurred in violation of Title IX should immediately contact the teacher, principal of the school, or Board's Title IX Coordinator (the Athletic Director for the Board). If the concern is not resolved, a formal complaint may be initiated at the school level. Copies of the Complaint Form and procedures for filing a complaint may be obtained from central office in the human resources department or from the Title IX Coordinator.

The district prohibits retaliation against any participant in the complaint process. Each complaint shall be investigated promptly and in a way that respects the privacy of all parties concerned. Although the above procedures set forth time limits, every effort will be made to resolve grievances in less time insofar as possible. The failure of the employee to appeal any decision to the next step within the time set forth for such appeal shall be considered an abandonment of his/her grievance unless modification of the time limits are approved by the Superintendent.

Complaints will be kept confidential.

Birmingham Board of Education's Title IX Complaint Form

Complainant's Name _____ Date _____

Complainant's Address _____

Telephone Number _____ Cell (Not required) _____

Date of Alleged Violation _____

Location of Alleged Violation _____

Summary of Complaint (Attach the Summary of Complaint Continuation Sheet if necessary.)

Complainant's Signature _____ Date _____

Received By (Print Name) _____ Date _____

Title IX Coordinator's Signature _____ Date _____

**PRE-TERMINATION HEARING POLICY
UNDER THE ALABAMA FAIR DISMISSAL ACT**

(Actions Recommended Prior to July 1, 2004)

It is the goal of the Birmingham City Board of Education ("the School Board") to provide and promote a pre-termination hearing policy that ensures both adequate and sufficient process for employees proposed to be terminated under the Alabama Fair Dismissal Act, Code of Alabama § 36-26-100, et seq., and the necessary expeditious resolution of employment conflicts. In furtherance of that goal, it is the policy of the Board of Education to provide its employees with pre-termination hearing consistent with the Alabama Fair Dismissal Act and pursuant to the guidelines and within the scope of due process as set out in the United States Supreme Court case of *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 105 S. Ct. 1487, 1495 (1985) and other related, court decisions. Accordingly, such pre-termination hearings before the School Board will not be a full adversarial hearing involving the subpoenaing or cross-examination of witnesses or full blown pre-termination discovery. While the pre-termination hearing will not be a mini-trial, the employee will be afforded an opportunity to present his/her side of the story and provide whatever documentary evidence he/she has to support his/her position. The School Board will make its determination of whether there are reasonable grounds to believe that the charges against the employee are true and support the proposed termination. Nothing contained in this policy shall be interpreted to conflict or supersede any provisions of the Alabama Fair Dismissal Act, Code of Alabama § 36-26-100, et. al. (1975).

This policy shall only apply to circumstances involving classified employees whose termination was proposed prior to July 1, 2004. For any employee who is recommended for discipline on or after July 1, 2004, Board Policy No. 3095 and 3096 shall apply.

BIRMINGHAM CITY SCHOOLS

Approved: 10/13/97

Amended: 10/12/04

POSSESSION OF WEAPONS AND FIREARMS BY PERSONNEL

The possession of firearms or other deadly weapons by employees of the Birmingham Schools is prohibited in the buildings and on school grounds or in one's motor vehicle on school property, except as provided for herein.

Any employee found to be in possession of a deadly weapon (exceptions set out herein) shall be reported to the Superintendent or his designee. The Superintendent has the authority to temporarily suspend school personnel when, in opinion, the circumstances necessitate immediate action. In addition, no employee shall have in his/her possession a firearm in or on school property or within 1000 feet of a school.

Only security personnel who have law enforcement training approved by the APOSTC (Alabama Peace Officers Standards Training Commission) are authorized to carry firearms on school property or at school functions when and where faculty, staff, students or the general public are present, including after school activities and venues. This requirement includes anyone employed as a School Resource Officer (SRO).

School principals and other work site supervisors as may be designated are directed to post signs at the doors of all school buildings and on the grounds of school property. The signs should display the following statement: "Possession of a gun in a school zone is a violation of federal law. Conviction of a violation of the Gun Free School Zone Act of 1990 could result in a \$5,000 fine and/or five (5) years in a federal penitentiary."

Parents/guardians and other persons are hereby notified that they are prohibited from bringing firearms or other weapons on school property at any time. Parents and other persons in violation of this policy will be asked to leave the campus and reported to law enforcement authorities. School officials will be expected to sign an arrest warrant for any person failing to leave the campus after being requested to do so or who uses a firearm in a threatening manner, attempts to harm or harms another individual on school property.

Disciplinary Actions for Board of Education Employees

Any employee possessing a dangerous weapon will be reported to the proper authorities immediately. The Superintendent upon notification shall temporarily place employee on administrative leave.

POSSESSION OF WEAPONS AND FIREARMS BY PERSONNEL (CONT.)

Following an investigation by the Superintendent, he or she will make a recommendation of disciplinary actions to the Board of Education, which may include but is not limited to the termination of the employee's employment with the school district.

Alabama Law

Possession of a weapon is a Class C Felony - In accordance with Legislative Act 94-817; the possession of a deadly weapon on school premises with intent to do bodily harm is a Class C felony.

Legal Ref: The Code of Alabama, 16.1-30, 16-9-15; Sec. 1702 Gun Free School Zone Act of 1990, 18 U.S. Code 921. Title IV, Part A, Sec. 4114-B.2.d.

Birmingham City Schools

Approved: 4/21/81
Revised: 9/27/87
Revised: 8/12/03

ON THE JOB INJURY (OTJI)

An employee who sustains an injury in the scope of employment, requiring the employee to be absent from work, shall have his/her salary and fringe benefits continued for a period up to ninety (90) working days, if the following conditions are met:

- A. The injury occurred while the employee was performing official duties of the Board.
- B. The injury was not due to negligence of the employee.
- C. The employee shall make proper notification of the injury to the executive officer (or the local worksite supervisor) within 24 hours after the injury occurred, or where the employee is not clinically able to make the notification, it shall be permissible for another person who is reasonably knowledgeable to make the notification of the injury.
- D. The employee must submit an Injury Report and Physician's Certification Form to the executive officer to include, but not limited to: statement of facts, uninsured medical expenses, and the MMI (Maximum Medical Improvement) for review of the claim.
- E. The number of days per occurrence shall not exceed ninety (90) working days. This provision shall apply to the temporary disability of an employee and may require weekly updates from the attending physician(s).
- F. The payments to an employee shall not exceed 100% of the cost of the employee's regular daily rate of pay.
- G. At its discretion and expense, the Board reserves the right to seek a second medical opinion for On the Job Injury claims.
- H. An employee shall be informed if his/her rights to proceed to the Alabama State Board of Adjustments.

BIRMINGHAM CITY SCHOOLS

APPROVED:	04/21/1981
REVISED:	02/14/1989
REVISED:	04/13/2004
REVISED:	02/26/2008

SAFETY POLICY-PROHIBITION AGAINST ASSAULT, PROPERTY DAMAGE AND BULLYING

The safety and well being of all Birmingham City School students and school personnel is a major concern of the Birmingham Board of Education. Employees and students should at all times be free from any and all threats to an individual's safety or well being, including physical violence, damage to property and bullying.¹

Physical Assaults/Property Damage

General Statement of Policy: Employees are prohibited from physically assaulting or damaging/vandalizing the property of any employee, student or third party, while on the job, on school board property, during school activities, whether on or off school property, or at any other time when such incident can be reasonably related to school functions. Any violation of this prohibition will be subject to discipline, up to and including termination.

Reporting: Any incident involving an act of physical violence, with or without a weapon, trespass, vandalism or property damage which occurs on school board property, or during school activities, whether on or off school property, or at any other time when such incident can be reasonably related to school functions shall be reported as set forth herein. Teachers and other school employees shall immediately report to the principal any incident of which they have knowledge. Such teachers or other school employees shall assist the principal in the preparation of a report. Principals shall file a report with the Superintendent within 72 hours of any incident of which they have knowledge. A copy of the report shall also be furnished to members of the Birmingham Board of Education and the Jefferson County Sheriff by the superintendent. See Ala. Code § 16-1-24 (1975).

Bullying:

Definition: "Bullying" means any intentional gesture or any intentional written, verbal, or physical act or threat that either:

- (1) A reasonable person, under the circumstances, should know would have the effect of any of the following:
 - a. harming an individual; or
 - b. damaging an individual's property; or
 - c. placing an individual in reasonable fear of harm to his or her person or property; or
 - d. insulting or demeaning an individual.

- (2) Is sufficiently severe, persistent, or pervasive that it creates an intimidating,

¹ Nothing in this policy is intended to replace or modify in any way the guidelines, guidance or requirements contained in the Sexual Harassment Policy of the Board (Policy # 3101). For any behavior that constitutes sexual harassment as defined by Policy 3101, the requirements of Policy 3101 apply and should be followed, even if the behavior would also constitute "bullying" under the terms of this policy.

threatening, or abusive educational environment for a student or an intimidating, threatening, or abusive work environment for an employee.

"Bullying" also encompasses, but is not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background.

General Statement of Policy:

- A. Any act of bullying by any school personnel, either toward other school employees, students or third parties is expressly prohibited on school district property or at school-related functions. This policy applies to individuals who directly engage in an act of bullying and to individuals who, by their indirect behavior, condone or support another individual's act of bullying. This policy also applies to any individual whose conduct at any time or in any place constitutes bullying that interferes with or obstructs the mission or operations of the school district or the safety or welfare of students, employees, visitors, parents, or contractors. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer, contractor, or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources.
- B. No teacher, administrator, volunteer, contractor, or other employee of the school district shall permit, condone, or tolerate bullying.
- C. Apparent permission or consent by a student being bullied does not lessen the prohibitions contained in this policy.
- D. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited.
- E. False accusations or reports of bullying against another student are prohibited.
- F. A person who engages in an act of bullying, reprisal, or false reporting of bullying or permits, condones, or tolerates bullying shall be subject to discipline for that act. Consequences for employees who commit prohibited acts of bullying or who permit, condone, or tolerate bullying or engage in an act of reprisal or intentional false reporting of bullying may result in disciplinary action up to and including termination. Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events and/or termination of services and/or contracts.

School District Action

- A. Upon receipt of a complaint or report of bullying, the school district shall undertake or authorize an investigation by appropriate school district officials.
- B. The school district may take immediate steps, at its discretion, to protect the complainant, reporter, students, or others pending completion of an investigation of bullying, consistent with applicable law.
- C. Upon completion of the investigation, the school district will take appropriate action. School district action taken for violation of this policy will be consistent with the requirements of the all relevant federal and state laws, including the Alabama Tenure Act, Alabama Code § 16-24-1 et seq. and the Fair Dismissal Act, Alabama Code § 36-26-100 et seq.
- D. The school district is not authorized to disclose to a victim private personnel data regarding an alleged perpetrator who is an employee of the school district.

BIRMINGHAM CITY PUBLIC SCHOOL SYSTEM
SUBSTANCE ABUSE POLICY

INTRODUCTION

It is the goal of the Birmingham City School System ("School Board") to provide a quality education for all students. In furtherance of that goal, and in order to protect and promote the health, safety and welfare of its students and employees, the School Board is committed to maintaining a drug and alcohol-free public school system. Accordingly, the School Board has adopted a policy that all employees must report to work completely free from the presence of illegal drugs and /or the effects of alcohol.

It is the policy of the School Board that the possession or use of illegal drugs or alcohol, as set forth more fully below, is strictly prohibited. Any employee violating this policy will be subject to disciplinary action up to and including termination of employment.

This policy was adopted in accordance with the Drug-Free Workplace Act of 1988, the Drug Free Schools and Communities Act of 1986 and the accompanying Amendments of 1989, and the Omnibus Transportation Employee Testing Acts of 1991 and 1993. Nothing in this policy should be construed as precluding the School Board from adopting additional or alternative programs, procedures, and penalties, in accordance with federal and state laws, in order to achieve the goal of a drug - and alcohol - free public school system.

DEFINITIONS

Alcohol - ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

Controlled Substance - any drug listed in 21 U.S.C. # 812 and other federal regulations. Such drugs include, but are not limited to heroin, marijuana, cocaine (including (crack), methamphetamine ('ice"), and PCP. This definition does not include over-the-counter drugs, but may include other drugs that are not prescribed by a licensed physician.

Designated Employee - any employee in a safety sensitive position, including those employees, supervisors, and mechanics that may drive a school bus or commercial type vehicle.

Medical Review Officer (MRO) - a licensed physician (medical doctor) responsible for receiving laboratory results generated by the School Board's drugs testing program, who has knowledge of substance abuse disorders, and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

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Over-the-counter Medication - a drug or medication authorized pursuant to federal or state law for general distribution and use, without a prescription, in the treatment of human disease, ailments, or injuries.

Prescription Medication - a drug or medication lawfully prescribed by a physician for an individual and taken in accordance with the prescription.

Program Administrator - individual designated by the Superintendent to oversee and administer the drug and alcohol-testing program of the School Board.

Reasonable Suspicion - substance abuse testing based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific and objective facts and reasonable inferences drawn from the facts in light of experience.

Refusal to Submit (to substance abuse test) - an employee I) fails to provide any or an adequate amount of urine for drug or alcohol testing without a valid medical explanation after he or she has received notice of the requirement for urine testing, or ii) engages in conduct that clearly obstructs the testing process.

Safety Sensitive Position - includes those positions that require the operation of any equipment that, if operated under the influence of drugs or alcohol may, cause a direct threat to the health or safety of other individuals or the employee.

SUBSTANCE ABUSE POLICY

Controlled Substances

All employees are strictly prohibited from unlawfully manufacturing, possessing, using, transferring, selling, distributing, and being under the influence of controlled substances. Any employee who violates this prohibition while on the job will be subject to disciplinary action, up to and including termination of employment.

Alcohol

All employees are strictly prohibited from possession, using, transferring, selling, distributing, and being under the influence of alcohol while on the job or on school premises or off-campus in connection with or affecting any school-related activity. Violation of this policy will result in disciplinary action up to and including termination of employment.

Off-duty Conduct

- A. Off-duty use of controlled substances, alcohol, or any other prohibited substance that results in impaired work performance or harm to the School Board's image or relationship with the general public, federal or state government is strictly prohibited.

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- B. Each employee is required to inform the Superintendent of a designated individual within five (5) days of any conviction for a violation of any federal or state criminal controlled substance or alcohol law (including but not limited to a conviction for driving under the influence), where such violation occurred either on or off the property of the School Board. A conviction means a finding of guilt (including a plea of nolo contendere) or the imposition of a sentence by a judge or jury in any federal or state court.

Prescription & Over-the-counter Medication

The proper use of medication prescribed by a physician is not prohibited; however, the School Board prohibits the misuse of prescribed or over-the-counter medications. Any employee using prescription or over-the-counter medications that may pose a direct threat to the health or safety of other individuals, or the employee, (e.g., such as causing drowsiness) should report the use of such medication to his/her supervisor and MRO. The employee is not, however, required to disclose the specific medication that he/she is taking or the condition for which the medication is being taken.

SUBSTANCE ABUSE SCREENING

Applicants

- A. All applicants for employment in a safety-sensitive position shall be required to submit to a substance abuse test prior to employment. The pre-employment screening shall test for the presence of controlled substances as

well as alcohol, but shall not be required until after a conditional offer is made to the applicant. The test shall be conducted, and the results shall be received, prior to the employee performing any safety-sensitive function for the School Board.

- B. Applicants will be requested to sign a consent form before submitting to the pre-employment substance abuse test. Applicants will be disqualified for hire if they test positive for either controlled substances or alcohol, refuse to submit to drug or alcohol testing, or refuse to execute any documents, including, but not limited to consent and/or release forms, that are required prior to or during testing.

Random Testing

As a condition of continued employment, the School Board shall require all employees to submit to drug and alcohol testing, at times prescribed by this policy, to determine the presence of prohibited substances.

A. Designated Employees

The School Board will conduct random, unannounced screening of all designated employees (i.e., those in safety-sensitive positions.)

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B. Non-Designated Employees

The School Board will conduct random, unannounced screening of a non-designated employee only when said employee undergoes counseling, participates in a rehabilitation program for substance abuse, or is suspended or otherwise disciplined for violations of this policy.

Reasonable Suspicion Testing

- A. All employees will be required to submit to substance abuse screening when a supervisor or school system official has reasonable suspicion that the employee has violated the School Board's substance abuse policy. This reasonable suspicion must be based on specific, contemporaneous, particular observations concerning the employee's appearance, behavior, speech, or body odor.

- B. Substance abuse tests are authorized for reasonable suspicion only if the required observations are made during, just before, or just after the period of the workday when the employee must comply with substance abuse prohibitions.

Post-accident Testing

- A. Alcohol and controlled substance tests shall be conducted as soon after an accident as practicable on any employee involved in an accident involving loss of human life or bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident. Testing also shall be required as soon as practicable after an accident on any employee involved in an accident that caused damage to property, for which the employee receives a moving violation citation, or when one or more motor vehicles incur disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.
- B. Employees shall make themselves readily available for testing, absent the need for immediate medical attention. Nothing in these procedures should be construed as to require the delay of necessary medical attention for injured individuals following an accident, or prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
- C. No such employee shall use alcohol for eight (8) hours after the accident, or until after he/she undergoes a post-accident alcohol test, whichever occurs first.
- D. Disciplinary action, including discharge, will be taken against any employee who fails to report an accident or refuses to submit to testing where required by law or School Board policy.

Return-to-duty Testing

- A. All employees who undergo counseling or a rehabilitation program, or who are suspended or otherwise disciplined for substance abuse covered under this policy, will be subject to unannounced testing following their return to work. The unannounced

- B. testing shall be for no less than twelve (12) months and no more than twenty-four (24) months. Employees subject to return-to-duty testing shall be tested at the frequency stipulated in an obedience contract, or as scheduled by the MRO. Such testing will be in addition to any other types of test provided for in this policy (e.g., reasonable suspicion, post-accident.)
- C. Employees who are suspended or otherwise disciplined for violating the School Board's substance abuse policy cannot return to duty until a substance abuse test is produced with a valid negative result.

TESTING PROCEDURES

The School Board shall retain the professional services of a testing agency to perform substance abuse testing and coordinate the testing program.

Collection Site

The School Board will designate collection sites in the City of Birmingham, Initially; the following collection site will be used:

Am Health Services
616 South - 9th Street
Birmingham, Alabama 35233

Substances Tested

Employees and applicants for employment will be tested for: amphetamines, cannabinoids, cocaine, opiates, phencyclidine and alcohol.

Testing Methods

Testing for the presence of controlled substances and alcohol will be performed by urinalysis.

Payment for Testing

The School Board shall pay the costs of any tests, initial and confirmation that it requires of applicants and employees. However, a job applicant or employee shall pay the cost of any additional tests not required by the School Board.

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ENFORCEMENT

- A. The School Board will discipline, up to and including discharge, any employer who refuses to submit to a random, reasonable suspicion, post-accident, or return-to-duty-test. Any individual who refuses to submit to testing shall not perform or continue to perform any safety-sensitive function.
- B. Employees who test positive for controlled substances or alcohol shall be subject to disciplinary action, up to and including discharge.
- C. At the discretion of the School Board, an individual who tests positive for alcohol or a controlled substance, may be permitted to seek rehabilitation at a pre-approved treatment provider. Assistance will be limited to the degree of treatment provided within the School Board's employee assistance program.
- D. REFERRAL TO A SUBSTANCE ABUSE PROFESSIONAL DOES NOT LIMIT THE SCHOOL BOARD'S TO DISCIPLINE OR DISMISS AN EMPLOYEE.
- E. The School Board shall have the right to inspect desks, cabinets, tool boxes, personal vehicles, or any container brought on the School Board's property if the Superintendent or his designee has reasonable suspicion or cause to believe a prohibited substance is present, without prior notice to the employee, to insure a work environment free of prohibited substances. An employee may be asked to be present and remove a personal lock. If the employee is not present or refuses to remove a personal lock, the employee's supervisor will do so for him/her. The School Board's inspection of personal vehicles brought on the School Board property will not include searches inside of the individual's vehicle without the appropriate law enforcement authorities. The School Board may release any illegal or controlled substances or paraphernalia to the appropriate law enforcement authorities. All searches should be coordinated with the Program Administrator.

BIRMINGHAM CITY SCHOOL SYSTEM

ANTI-NEPOTISM POLICY

To avoid conflicts of interest or the appearance of conflicts of interest, no member nor employee of the Birmingham City Schools shall participate in the proceedings by which a decision is or will be made to appoint a person to any job, position or office to whom the member or employee is related within the prohibited degree as defined under the law of Alabama.

To further avoid conflicts of interest or the appearance of conflicts of interest, no employee of the Birmingham City School System shall supervise or participate in any professional or personnel evaluation or interview of another employee or candidate for employment, or promotion, or raise, if such employee or candidate is related to the evaluator or interviewer within the prohibited degree as defined under the law of Alabama.

Beginning 2003-2004 school year, married couples and immediate family members shall not work at the same worksite. Current employees working in this capacity shall not be affected by the provisions of this policy.

BIRMINGHAM CITY SCHOOLS FAVORITISM POLICY

It is the goal of the Birmingham City Schools to provide and promote a professional work environment for all of its employees. In furtherance of that goal, it is the policy of the Birmingham City Schools that no individual in a supervisory position (e.g., Board Members, Superintendent, Executive Staff, Program Specialist, Director, Assistant Director, Principal, Assistant Principal or Teacher) shall require, request or encourage a subordinate employee to carry out or perform any business of a personal, non-work related nature (e.g., attending to personal banking affairs, taking or picking up dry-cleaning medication, prescriptions, personal and/or home items, or lunch). The aforementioned list is not exhaustive and is intended to provide common examples of personal non-work related acts ("personal favors"). Prohibited requests or requirements of personal favors shall include, but not be limited to, the above provided list of examples.

It is further against the Birmingham City Schools policy to make the performance of such personal favors a term or condition of an employee's employment. The performance or non-performance of any request for personal favors shall in no way be reflected or considered in any employee's evaluation or performance review. Any person violating this policy shall be subject to discipline up to and including termination of employment.

BIRMINGHAM BOARD OF EDUCATION PROFESSIONAL DEVELOPMENT POLICY

The Birmingham City School District recognizes that in order to effectively increase student achievement, improve student learning, and prepare students to take their place as productive citizens, it is crucial that all individuals employed by the Birmingham City School District be committed to common beliefs about professional development and be involved in planned professional development and be involved in training, growth, and renewal opportunities. The district believes that professional growth is a continuous process of acquiring and refining skills, leaning new methods and procedures, and embracing collegial learning and problem solving.

The Birmingham City School District supports a comprehensive and coordinated district plan, local school plans, and individual growth plans during the school year. The district's professional development plan should reflect best practices and be guided by the strategies and activities of the district to increase student achievement.

All certified staff must be committed to district goals and promote student achievement for all student, must be knowledgeable of standards of professional practices at the state and national levels within their academic discipline and must be prepared with best practices for instructional methodologies.

Classified staff are supporting components of the school environment and as such, have a key role to play in increasing student achievement. Their ability to keep abreast of current trends and perform their jobs in a positive effective manner helps to create an environment of competence, learning and quality delivery of services. As a result, the school and broader school community are enhanced.

All experienced certified employees are required to complete a minimum of 30 hours of professional development annually and submit an annual Professional Development Plan to the immediate supervisor.

All novice certified district employees are required to complete a minimum of 40 hours of professional development during year one and submit an annual Professional Development Plan to the immediate supervisor.

All non-certified employees are required to complete a minimum of 15 hours of staff development annually and submit an annual Staff Development Plan to their immediate supervisor.

In order to complete the minimum clock hour requirements, employees will be provided the opportunity to engage in district and professional organization sponsored professional development activities on all specified professional development in-service days as mandated by the Alabama Code 16-1-8.1 and 16-13-231. If an employee is unable to attend based on other assigned duties, he/she will be allowed to participate in other district and professional organization sponsored workshops upon availability with the immediate supervisor's approval.

SALARY ADJUSTMENT UPON CHANGE IN POSITION

Except as otherwise set forth herein, upon the act of an employee changing from one position to any other position, the employee shall begin to draw the salary which is prescribed by the relevant salary schedule for the employee's new position. The mandates of this policy shall be followed whether the employee is changing position voluntarily or involuntarily, and whether the new position is one which draws a higher or lower salary than the position which the employee is vacating.

For employees who assume the duties of a new, lower-paying position, the employee's salary shall be adjusted to the salary for the new position effective twelve (12) months after the effective date of the Board's action.

For employees who assume the duties of a new, higher-paying position, the employee's salary shall be adjusted to the new salary immediately upon the employee assuming the duties of the new position.

This policy shall not be applied in a manner that would result in the violation of any special agreements or settlement agreements to which the Board is a party, or of any court orders.

In the event of an involuntary transfer, the affected employee maintains all rights to appeal and to a hearing granted to that employee under the Students First Act.

This policy shall apply to all personnel actions recommended by the Superintendent and approved by the Board after the passage of this policy.

AMERICANS WITH DISABILITIES ACT (ADA) POLICY

The Americans with Disabilities Act (ADA), the Alabama Civil Rights Act, and Birmingham City Schools policy prohibit discrimination against qualified individuals with disabilities in employment and educational programs. It is the policy of the Birmingham City Schools (BCS) to provide reasonable accommodations when necessary and appropriate. These accommodations must be made in a timely manner and on an individualized and flexible basis.

If an employee (the "requesting employee") believes that they may need or be entitled to reasonable accommodation(s) in their employment, they should contact the Board's Director of Human Resources (231-4796). Upon receipt of a request for accommodation, regardless of whether that request was made in writing or orally, the Director of Human Resources or designee shall provide written confirmation of the request to the requesting employee. This confirmation shall include the name of the employee making the request, the date and time such request was made, the nature of the request, and the BCS employee who received such request.

After receipt of such request, the Board's Director of Human Resources or designee shall meet with the requesting employee when possible, to discuss the request and possible resolutions. The Board's Director of Human Resources or designee shall make every effort to respond to the request within ten days of the date the request was received by the Board's Director of Human Resources. If a response cannot be made within ten days, the requesting employee shall be provided with weekly updates on the status of the request for accommodation until a response is given. Ultimately, a clear written response to each request for accommodation must be given to each requesting employee.

If asked to do so, the requesting employee shall provide medical documentation from a licensed professional. Additionally, the requesting employee shall provide, upon request, a limited release in favor of the BCS for submission of questions or permission to speak to the requesting employee's physician when needed to verify and/or support a condition or to provide further information to assist in identifying reasonable accommodations. In most cases, documentation is necessary to determine appropriate accommodations. Furthermore, if it is determined that there is insufficient information to determine whether any accommodations are appropriate, the Director of Human Resources or designee may request that the requesting employee be examined by a physician chosen by BCS, at the expense of the BCS. Failure by the requesting employee to provide appropriate documentation or to cooperate in the BCS's efforts to obtain such documentation may result in a denial of the reasonable accommodations request. All relevant time frames shall be suspended during the time that the BCS is waiting for additional information from the requesting employee, medical providers or any other third party.

All medical documentation shall be retained only by the Human Resources Department in the requesting employee's medical file and shall be kept confidential.

BIRMINGHAM BOARD OF EDUCATION

FINANCE

SERIES 4000

FISCAL MANAGEMENT

Proper money management is essential to the adequate support of the school program. To make that support as effective as possible, the Board:

Expects advance planning through the best possible budget procedures.

Encourages the exploration of all practical and legal sources of revenue.

Expects maximum efficiency in expenditures, accounting, and report procedures.

Cash Management

Policy Birmingham City Board of Education will maintain an effective system of cash management that anticipates cash needs and plans adequately to satisfy those needs.

General Cash is required to pay for all goods and services purchased by the Board and to meet future obligations as they come due. The disbursement of cash is a regular occurrence, and a sufficient level of cash should be kept available to meet these needs. Therefore, only cash necessary to meet anticipated expenditures plus a reasonable reserve for emergencies should be kept available. Any excess cash should be invested in instruments backed by government securities as specified by law.

Procedures **Maximizing Return on Idle Funds**

Cash not required for operations will be invested. The cash balances in all Birmingham City Board of Education central office bank accounts will be monitored by the Chief School Financial Officer and the Superintendent. Any amount accumulated over the target balance in the checking accounts will be transferred into the appropriate investment vehicle, such as C.D.s, money markets, repurchase agreements and/or Treasury bills/notes. An activity report shall be sent by the banking institution every time funds are transferred into or out of the investment accounts. A monthly investment report shall also be received which will be used to post monthly interest earned and to reconcile the investment accounts to the amounts recorded in the general ledger. Interest rates will be monitored on the investment accounts and if other investment vehicles are earning higher interest rates, funds will be transferred from the investment account into the higher yield investment vehicle.

The Board shall purchase certificates of deposit (CDs) on a competitive basis. Competitive quotes for CDs maturing in one year or less on fixed rate CDs and two years or less on floating rate CDs will be obtained from qualified financial institutions. The Chief School Financial Officer and the Superintendent will choose what best fits the Board's portfolio based on the maturity required, liquidity requirements, the current makeup of the portfolio and the offered rate. The Chief School Financial Officer will provide the Board an investment report at least quarterly of the investment activity and interest earned.

In addition to the money market accounts, various government agency investment securities and other obligations of the U.S. government, such as Treasury Bills and Treasury Notes, shall be purchased by the investment official of the bank awarded the banking services of the Board. These shall be purchased with staggered maturity dates to maximize return and diversify the investment portfolio. Reports shall be sent by the bank upon purchases, interest payments and investment maturities. Upon receipt of these reports, the Chief School Financial Officer will ensure that journal entries are prepared to record the investment activity.

Collateralization:

All deposits of the Board must be secured by pledged collateral in an amount greater than the highest balance during any month, or deposited with a Qualified Public Depository 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.

STATE REQUIRED FUND BALANCE

All cost centers and department managers shall be kept abreast of revenue trends so that prudent spending decisions can be made. As conditions change, personnel adjustments and other expenditures shall be made **annually** in accordance to funding received by state, federal, and local sources. Department heads and managers shall work closely with the Finance and Business Affairs Department on an ongoing basis in order to clearly understand the current fiscal status of the district. The Board shall establish and maintain a one-month fund balance as required by State Law.

GENERAL ACCOUNTING

The system of accounts shall comply with the principles, practices, codes, and regulations of the State Department of Education, recognized governmental accounting authorities, and recommendation of the State Department of Examiners of Public Accounts.

Monthly financial statements, submitted to the Board, will be in sufficient detail so as to enable the Board and the Administration to reach conclusions concerning the present financial operations and to make management decisions affecting future operations. Special financial reports shall be made as deemed necessary.

The Board is an elected body and is required by State law to have an annual audit by the State Department of Examiners of Public Accounts.

BUDGET PLANNING

The purpose of the general budget is to translate into financial terms the educational objectives of the School System and to set up an orderly means of accomplishing those objectives.

Budget planning is a continuous process which shall include budget hearings with the participation of Board Members, employees on the administrative staff, representatives of teachers, other personnel and interested citizens.

The budget will be prepared in compliance with governing laws and regulations as well as sound business practices and procedures and will be recommended by the Superintendent to the Board on an annual basis.

Budget adjustments which exceed 10% of a budget line item will require Board approval. Budget transfers below 10% will be reported periodically to the Board. Expenditures shall not exceed the total budget.

Local School Budgeting

The Birmingham Board of Education's budgeting policy requires that the official system-wide budget reflect an equitable allocation of foundation program funds to each school based on the needs of the students and schools as reflected in the current year's actual student populations. The budget development process requires input in the form of proposed budgets from each local school and vocational/technical center. As each school's budget is developed, this board will ensure that principals, teachers and parents are given the opportunity to participate in decisions concerning the appropriate use and expenditures of classroom instructional support funds. The superintendent shall give due consideration to the proposed school budgets in completing the system's cost center budget submitted for board approval. At the end of the fiscal year this school board shall prepare a financial accountability report for each school and area vocational/technical center that shall include the amount of foundation program funds earned, all funds expended, and any other financial data deemed necessary.

APPROVED: March 25, 1997

ANNUAL OPERATING BUDGET

Annually, and as early as necessary data are available, the Superintendent will submit a budget to the Board of Education for which the projected expenditures do not exceed the projected revenues for the year.

The Board of Education will adopt a budget for which the anticipated expenditures for the year do not exceed the projected revenues.

CODE OF ALABAMA - 16-13-144

INTERNAL CONTROL

A system of internal controls will be maintained which will safeguard all assets, check the accuracy and reliability of the accounting data, promote operational efficiency, and affect adherence to prescribed Board policies. The Superintendent will specify those internal control procedures, including data processing output, necessary for proper fiscal management.

FEDERAL AND PRIVATE FUNDS

Funds for educational purposes made available by the Federal Government and various other private or governmental sources will be welcomed by the Board of Education as long as the conditions of their availability are in harmony with the purposes and policies of the Board.

The Board intends to derive maximum benefits from such funds and will make any proposals which it feels will benefit the Birmingham Schools.

The Superintendent is authorized to seek funds for purposes consistent with the substance of this policy and to report the availability of funds to the Board for approval.

INVESTING OF SCHOOL FUNDS

The Board seeks to maintain to the maximum degree possible an investment of all temporary available balances. Investments in treasury notes, certificates of deposit, repurchase agreements, and in other manners deemed appropriate are encouraged as a means of assisting the Board in the improvement of the educational program.

INDEPENDENT AUDITS

On recommendation of the Superintendent, the Board shall annually appoint an independent firm of certified public accountants (with any single firm's consecutive service being limited to five years) who, on a continuing basis, will assist in the improvement of procedures of accounting and internal control and will be available as needed by the Board or Administration.

At appropriate times during the year, the firm will conduct audits deemed necessary to form an opinion as to the fairness and accuracy of presentation of the Board's financial statements and shall provide evidence of the fiscal soundness of Board operations.

The auditing firm will submit a written report annually to the Superintendent and Board as early as practicable after its annual audits. Additional written reports will be submitted as early as practicable after any other audits by the firm. Copies of this audit will be distributed and published in accordance with State laws.

The independent examination will include a review of the internal controls and internal audit procedures employed in local schools, lunchrooms and athletic departments.

EMPLOYEE ATTENDANCE MANAGEMENT SYSTEM

All employees with the Birmingham Board of Education are required to utilize and comply with the regulations for the Board's Employee Attendance Management System.

The Employee Attendance Management System shall be notified by all employees who will not be present for his or her regularly scheduled workday.

At the time of the passage of this policy, the Birmingham Board of Education is in the process of phasing in a time management system into the Employee Attendance Management System. As the time management system is phased in to each location, each employee at that location will be required to use the time management system as directed. The time management portion of the Employee Attendance Management System will assist in assuring compliance with all the requirements of the Fair Labor Standard Act of 1938, as amended.

PAYROLL AND DEDUCTIONS

Payroll records will be kept in such a manner as to enable the School System to provide reports and records to various governmental agencies as well as information to employees with reference to earnings, withholdings, and other deductions. Deductions from employee checks will be in keeping with written requests of individual employees and for purposes approved by the Board.

When amounts have been correctly deducted and remitted by the board, the board shall bear no further responsibility of liability for further transactions. The board shall not be liable for any error while acting in good faith to make the subject deductions.

PAYROLL – NONTENURED CERTIFIED EMPLOYEES

Effective October 1, 2002 all certified employees who as of that date have not achieved continuing service status shall be paid on a monthly basis with 12 pay periods per year with each employee receiving no more than one paycheck per month. In the event that a mistake is made on a paycheck, the School District will issue a corrected paycheck within ten (10) calendar days of its being notified of the error.

PAYROLL – TENURED CERTIFIED EMPLOYEES

Effective September 1, 2003 all certified employees who as of that date have achieved continuing service status shall be paid on a monthly basis with 12 pay periods per year with each employee receiving no more than one paycheck per month. In the event that a mistake is made on a paycheck, the School District will issue a corrected paycheck within ten (10) days of its being notified of the error.

PAYROLL –CLASSIFIED EMPLOYEES

Effective January 1, 2003 all classified employees shall be paid on a monthly basis, with no more than 12 pay periods per year and with each employee receiving no more than one paycheck per month, which shall include all work performed in that pay period. In the event that a mistake is made on a paycheck, the School District will issue a corrected paycheck within ten (10) days of its being notified of the error. For any employee who does not work during any portion of any given year, such employee shall have deducted from his or her net salary the appropriate amount to cover his or her annual contribution for any benefits, which employees pay through payroll deduction, including his or her health insurance plan.

PROFESSIONAL DEVELOPMENT AND
OUT OF TOWN TRAVEL

Educational benefits accrue to the Board by having administrative and other employees attend State, regional, and national professional meetings. Accordingly, the Board authorizes the Superintendent or his/her designee to approve attendance based on program needs and the availability of funds. Upon approval by the Superintendent or his/her designee the Board shall reimburse these employees for their actual, reasonable and necessary incurred expenses for such items as transportation, lodging, and registration while attending such meetings provided their reimbursement claims are supported by itemized expenses as evidenced through paid receipts. The Superintendent or his designee must approve the rental of vehicles in advance.

Reimbursement will be made for meals and other incidentals at a stated per diem rate of \$39.00 (in state) or \$47.00 (out of state) per day. If due to your departure or arrival times, you are unable to claim one or more meals, the following rates will apply:

<u>In State</u>		<u>Out of State</u>	
Breakfast	\$ 8.00	Breakfast	\$ 8.00
Lunch	11.00	Lunch	13.00
Dinner	<u>20.00</u>	Dinner	<u>26.00</u>
Total	\$39.00	Total	\$47.00

No meal reimbursement will be allowed for in-county professional development.

No receipts are required for meals. Gratuity will not be reimbursed as a separate item; it is included as part of the daily per diem rate.

Breakfast will only be allowed for travel that begins at 6:00 a.m. or before, and a dinner meal will be allowed if the traveler returns to base after 6:00 p.m.

Additionally, the Superintendent is authorized to prepay such reasonable sums as may be required for registration, lodging accommodations, and travel expenses (airline, train, bus, etc.) for Board Members and employees to participate in approved meetings and conferences provided the proper documentation is submitted. **Documentation must be received by the Accounts Payable Department at least 12 business days prior to the conference. Requests for Travel Approval and Travel Reimbursements must contain all required signatures. Advances to employees will not be granted.** Such authorization always will be within the framework established by applicable State and Federal Laws and regulations.

BIRMINGHAM CITY SCHOOLS

Approved: 8/6/74
Revised: 5/23/89
Revised: 5/24/05
Revised: 4/10/07

LOCAL TRAVEL POLICY

All Board employees, approved by the Superintendent or designee, who use their personal vehicles to carry out Board business, will be reimbursed based on a set amount per mile. The Board will reimburse based on the State approved mileage rate.

Claims for reimbursement of travel expenses must be on the forms supplied by the Board. The claim forms must be typed or written in ink with all information legible. Computer generated forms are acceptable, but must contain all information and must be in the same format as that of the "official" travel forms, as described herein.

The employee requesting reimbursement, as well as the Principal/Supervisor/Director and/or the Superintendent's designee, must sign all claims for reimbursement. All signatures must be in ink.

NOTE: THIS POLICY IS EFFECTIVE JANUARY 1, 2007

BIRMINGHAM CITY SCHOOLS

APPROVED: 6/22/04
REVISED: 7/31/06

LOCAL SCHOOL ACCOUNTING

The system of accounting in all schools and departments will comply with the principles, practices, codes and regulations of the Superintendent, board of Education, State Department of Education, recognized governmental accounting authorities, and recommendations of the State Department of Examiners of Public Accounts.

Monthly financial reports will be submitted by the principal, supervisor, or director to the Administration. Reports must be received by the established date set by the Administration, and will be in sufficient detail, and in compliance with the above policy, so as to enable the Administration to reach conclusions concerning the financial operations and make management decisions affecting future operations. Other special financial and inventory reports will be made as deemed necessary by the Administration.

The principal or supervisor will exercise full responsibility for local school funds, equipment and facilities, and will assume full responsibility and be held accountable for the proper handling of such funds, equipment and facilities.

All employees in local schools will follow the accounting procedures resulting from policies of the Board of Education.

All employees who handle local school funds as described in this policy shall be provided appropriate training to perform their responsibilities as described herein.

The Board will purchase suitable fidelity bonds for employees who handle school funds.

INSTRUCTIONAL SUPPLY MONEY

Instructional supply money allotted by the State will be distributed in accordance with State Law. All other pupil supply funds allocated by the Board of Education will be distributed equitably among local schools.

The faculty and principal of each school will develop cooperatively a school budget for the purchase of instructional equipment, supplies and material and, by a majority vote of the faculty by secret ballot, approve a budget for the school.

The Board of Education will not withhold from any school any funds to which that school is entitled, except where allowed by law.

The school instructional supply budget approved by the principal and faculty will be presented to the Superintendent by the established date.

WORTHLESS CHECK POLICY

Pursuant to section 13A-9-13.2 of the Alabama Code, persons will be officially notified when a check or instrument is issued to Birmingham City Schools and drawn upon a financial institution is dishonored. In addition, Birmingham City Schools will authorize a third party recovery agency to recover funds for all issued checks or instruments that have been dishonored plus any applicable fees.

BIRMINGHAM BOARD OF EDUCATION

BUSINESS MANAGEMENT

SERIES 5000

EQUITY

The distribution of goods and services throughout the System shall be with due consideration to demonstrated need and in all other respects based upon the principles of fairness and equal treatment of staff, pupils, schools and communities.

GIFTS AND CONTRIBUTIONS TO THE BOARD OF EDUCATION

The Birmingham Board of education strives to provide equitable programs, facilities and equipment for the best possible education of students. To assist the Board, gifts of property, money and other things of value may be accepted if consistent with the following:

1. The gift contributes to the educational purposes of the school system.
2. The Board reserves the right to determine in each individual case whether to accept or reject the gift.
3. The Board will have complete control of such gift. Any property or equipment may be relocated, sold, leased or otherwise disposed of by the Board as it deems to be in the best interest of the school system.
4. Gifts may be accepted on conditions proposed by the donor if such conditions are acceptable to the Board. Any gift with the condition that public tax monies be paid to a named individual will not be accepted.
5. Any organization which intends to offer a gift to the School Board, and intends to engage in activities for the purposes of securing funds or other things of value with the stated purpose of contributing such to the School Board, shall secure prior approval of the Board before engaging in such activities.
6. Any trust fund established under this policy may be required to pay the costs of administering the trust fund.
7. Acceptance of such items as books, clothing, health supplies, educational materials and miscellaneous items may be approved by the Superintendent. Any other gift with a value of less than \$1,000 may be approved by the Superintendent or his designee if consistent with this policy. Any cash gift, equipment or property with value of \$1,000 or more must be approved by the Board.
8. An offer of equipment or services that may involve major costs of maintenance, installation on initial or continuing financial commitments from public tax money will be evaluated and considered in the light of those costs which may determine whether a gift is accepted.

GIFTS AND CONTRIBUTIONS TO THE BOARD OF EDUCATION (CONTINUED)

9. In the interest of providing equitable resources to all children and to minimize differences in facilities, equipment and other resources between the various schools supported by public tax monies, gifts that require a matching contribution from public tax money may not be accepted if such a gift is likely to foster inequity.
10. Gifts contributed to the School Board become the property of the School Board and are subject to the same controls and regulations that govern the use of other School Board property. All funds accepted shall be accounted for and audited in accordance with appropriate statutes, State Board policies and regulations and school system policies and procedures.
11. All 501(c)(3) organizations that provide donations, supplies, any other contributions to the Board shall be requested to furnish and make available a written quarterly report to the Board providing specific information regarding what donations have been made and the names of the schools or programs that received the donations.

PURCHASING

All purchasing will be done in conformity with the Alabama State Bid Law and with sound ethical business practice. (Alabama State Bid Law, Section 41-16-50 through Section 16-62, Code of Alabama, 1975). Expenditures included in the budget as approved by the Board at the beginning of each school year will be authorized by the Superintendent.

BID PURCHASING

Commodities, materials, supplies and equipment bought by the System shall be purchased at the lowest possible cost, consistent with governing laws and an adequate standard of quality, usually through competitive bidding. Employees of the Board responsible for the expenditure of public funds are held to a high level of accountability.

When soliciting bids, all reasonable methods will be used in order to insure full and free competition. Care will be exercised to insure that bids are solicited sufficiently in advance of bid announcement to allow bidders adequate and equal opportunity to prepare and submit their bids.

COMPETITIVE BID LAW

It is the intention of the Birmingham Board of Education to comply at all times with the requirements of Alabama's Competitive Bid Law when entering into any contractual agreement for any expenditure of funds in excess of \$15,000.00 for labor, services or work or for the purchase of materials, equipment or supplies.

Alabama's Competitive Bid Law allows exceptions to its requirements in the case of contractual services and purchases of commodities where there is only one vendor or supplier, in the case of the purchase of custom software, in the case of an emergency purchase, and in the case of the purchase of professional services.

The sole source exception only applies when the good or service offered is unique, where that uniqueness is substantially related to the intended purpose of the good or service sought, and where the entity seeking to declare a sole source shows that other similar goods and services cannot perform the desired objectives. Therefore, any expenditure of funds by the Board sought to be made pursuant to the sole source exception to Alabama's Competitive Bid Law shall be made only when the Purchasing Agent for the Board provides written documentation to the Board specifying that he or she has canvassed the industry relevant to the good or service sought and is persuaded that the desired good or service is the only good or service in the market that will meet the needs of the Board. This written documentation shall specify the rationale for the Purchasing Agent's opinion that the good or service is unique, the planned use of the good or service, the names of all vendors' canvassed concerning the good or service and certification that the good and/or service meets the requirements of the Competitive Bid Law. The Purchasing Agent shall forward said written documentation to the Board's counsel. The Board's counsel shall then provide a written opinion concerning whether the item complies with the Competitive Bid Law. Only after receipt of the aforesaid written documentation and attorney's opinion shall the superintendent recommend the matter to the Board for its approval. If the Board is satisfied that the uniqueness of the good or service is substantially related to its intended purpose and the matter otherwise complies with the Competitive Bid Law, the Board shall approve the item as sole source exception to the Competitive Bid Law.

The custom software exception applies to software which requires substantial creative work by a professional or vendor to comply with unique specifications. In other words, the custom software exception applies to software specifically developed for the Board. Therefore, any expenditure of funds by the Board sought to be made pursuant to the custom software exception to Alabama's Competitive Bid Law shall be made only when the Purchasing Agent for the Board and Director of Technology represent in writing to the Board that the software sought to be purchased requires substantial creative work by a professional or vendor to comply with the unique specifications required by the Board. Said written documentation shall include a list of all vendors canvassed concerning whether they can provide a substantially similar product from their existing inventory of products. The Purchasing Agent shall forward said written documentation to the Board's counsel. The Board's counsel shall then provide a written opinion concerning whether the matter complies with the Competitive Bid Law. Only after receipt of the

COMPETTITIVE BID LAW (CONTINUED)

aforesaid written documentation and attorney's opinion shall the superintendent present the matter to the Board for its approval. If the Board is satisfied that the software is custom software and the matter otherwise complies with the Competitive Bid Law, the Board shall approve the item as custom software.

The emergency purchases exception applies to a situation which has suddenly and unexpectedly arisen which requires speedy action because of a danger to public health, safety or convenience. Therefore, any expenditure of funds by the Board sought to be made pursuant to the emergency purchases exception to Alabama's Competitive Bid Law shall be made only when the Board declares an emergency in writing and sets forth the nature of the danger to public health, safety or convenience involved in delay. The Board shall then immediately make these actions public. This shall be done before the purchase of any materials or equipment or the performance of any work by contractors.

Finally, it is the policy of the Board to comply with Alabama's Competitive Bid Law when entering into a contract for services. However, the competitive bidding requirements of the Competitive Bid Law do not apply to contracts for securing services of attorneys, physicians, architects, teachers, superintendents of construction, artists, appraisers, engineers, consultants, certified public accountants, public accountants or other individuals possessing a high degree of professional skill where the personality of the individual plays a decisive part. When the Superintendent makes a recommendation for a contract for services which would be exempt from the Competitive Bid Law, such recommendation shall include the basis for the exemption, and if such exemption is for a consultant, then such request shall specify the nature of the skills required and the reasons why the personality of the individual is critical.

VENDOR RELATIONS

The Board expects the maximum value for each dollar expended in achieving its educational goals. Accordingly, bids will be solicited with all vendors being given equal and impartial consideration in the award of contracts and purchases. School personnel will neither solicit nor accept funds or gifts from vendors.

PURCHASE ORDERS

All purchases through the Central Office must be based on properly issued and approved purchase orders. THE PURCHASE ORDER MUST BE ISSUED FROM CENTRAL OFFICE BEFORE PURCHASE IS MADE. Local schools are required to utilize a purchase order procedure.

LOCAL SCHOOL PURCHASING

Purchases by local schools shall be made consistent with the sound business practices fostered by this Board. Purchases exceeding two thousand dollars in total cost shall be made either by or with the approval of the Superintendent or his designee.

INVENTORY CONTROL

An inventory control on all fixed assets and equipment shall be maintained. Principals, supervisors, and directors are accountable for inventories assigned to them and accountable for any unreported losses resulting from failure to provide additions and/or deletions to the school's inventory.

A physical inventory of all fixed assets and equipment will be made periodically and at least annually. ANY ADDITIONS, DELETIONS, AND TRANSFERS WILL BE UPDATED AND REPORTED TO THE INVENTORY DEPARTMENT ON A DAILY BASIS. Contributions of equipment and other property made by PTA and other organizations become the property of the Board and must be entered into the inventory.

SALE OF SURPLUS EQUIPMENT AND PROPERTY

School equipment or property deemed surplus or no longer of value to the System will be disposed of by the Board on the recommendation of the Superintendent in a manner most advantageous to the Board. Sale may be by public auction, bid, or other means deemed appropriate, but in all instances a fair appraisal will accompany each proposed sale. Adequate records of all disposed property will be maintained. School employees may not purchase, directly or indirectly, any surplus equipment or school property.

INSURANCE

The Board makes every effort to obtain insurance at the most economical cost, consistent with required service and System needs. Certain insurance is provided on all school property, vehicles, members of the Board, and regular full-time employees. The Board provides special coverage in other areas.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/6/74

PROFESSIONAL SERVICES

The temporary employment of engineering, architectural, or other professional consultants with needed expertise, is authorized by the Board when deemed necessary by the Superintendent.

MAINTENANCE - GOALS AND OBJECTIVES

The Board serves as trustee of school facilities and oversees business operations for the purpose of providing facilities and services which will support a sound educational program.

The Board expects, within the framework of available resources, proper operation and maintenance of the school plant, equipment, and services to set high standards of safety, promote the health of pupils and staff, reflect the aspirations of the community, and to support environmentally the efforts of the staff to provide quality instruction.

The Superintendent will establish a thorough, effective and economical maintenance program which will assure the useful life of school sites, plants and equipment.

MAINTENANCE OF BUILDINGS AND GROUNDS

The maintenance, custody, and safe-keeping of all property owned and used by the School System are the responsibility of the Superintendent and his staff. Full cooperation in caring for school property is expected. All maintenance programs will focus on the basic objectives of education, safety, comfort, service, and economy. Corrective and preventive maintenance will take precedence over cosmetic improvements. The maintenance staff, contracted maintenance services, or a combination of the two will be used in carrying out these objectives.

Procedures for providing accurate, current information relative to properties and equipment owned, including the values thereof, will be established together with the necessary steps to guard against undue depreciation, loss or damages.

PROTECTION AND SECURITY OF BUILDINGS,
GROUNDS AND OTHER SCHOOL PROPERTY

Adequate protection and security of all school property shall be provided by the Board. Maximum security of buildings and grounds will be maintained. Such security shall include the stringent control of access to school buildings, grounds and equipment, AND THE POSTING OF APPROPRIATE SIGNS TO DETER DAMGE OR DESTRUCTION OF SCHOOL PROPERTY.

An emphasis in the instruction program will be directed toward the development of attitudes which contribute to the proper care and use of public property.

Costs of repair and replacement will be assessed to those who willfully and unlawfully damage school buildings and/or equipment and to those who are negligent in maintaining the security of equipment or in reporting losses.

Electronic and other detection devices and security personnel may be used to prevent unlawful entry and damage to school facilities and equipment.

OPERATION OF SCHOOL-OWNED VEHICLES

The careful and considerate operation of all school-owned vehicles is required. System-owned vehicles shall be used only for school purposes or as specified or authorized by the Board. Employees operating motor vehicles belonging to the System are required to be qualified licensed drivers and are expected to operate vehicles in a careful manner with due regard for school property, private property, and the rights of others. Drivers of school-owned vehicles shall be covered by liability insurance in such amounts as the Board may from time to time determine.

OPEN RECORDS ACT POLICY

It is the policy of the Birmingham Board of Education ("Board") to adhere to the Alabama Open Records Act (Ala. Code Section 36-12-40), which provides in pertinent part that "Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute."

Any citizen seeking to inspect and/or obtain copies of the board's public writings should contact the Superintendent's Office to request a copy of the Board's Open Record's Act Request Form and the procedures by which the information will be provided.

BIRMINGHAM BOARD OF EDUCATION

SCHOOL FACILITIES

SERIES 6000

FACILITY PLANNING

A long-range facility planning program, developed by the administrative staff and updated continuously and reviewed at least annually, will be available as a data base for site acquisitions, planning new facilities, enlarging present facilities, remodeling existing facilities, and disposing of unneeded buildings and grounds.

This long-range plan will be based on information available through governmental agencies, from school records, principals and other available sources.

Planning needs will consider:

1. The expanding and changing educational program of the city.
2. Relations with the total community, and projected developments in those relationships.
3. Plant and site esthetics as they affect the education of pupils and feelings of people about their schools.
4. Changing makeup of the population as to age distribution and educational levels.
5. Community planning and zoning.
6. Financial ability of the City.
7. Relationship between the projected new facilities and those already in existence.

**MINORITY PARTICIPATION PROGRAMS
FOR CONTRACTS RELATING TO CONSTRUCTION,
PURCHASE OF GOODS, MATERIALS AND EQUIPMENT
AND PROFESSIONAL SERVICES**

It is the policy of the Birmingham Board of Education ("Board") that minority and disadvantaged businesses shall have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Board funds. This policy is equally applicable to all construction contracts, contracts relating to the purchase of goods, materials and equipment, and non-bid contracts for professional services. All Contractors shall take all necessary and reasonable steps to ensure that minority owned businesses have the maximum opportunity to compete for and perform Board contracts.

Bidders on construction contracts are advised that construction contracts shall be awarded to the lowest responsive and responsible bidder; and, that meeting the Goals set forth in this Policy or making an acceptable good faith effort to meet said Goals are conditions of being awarded a Board construction contract.

Minority and disadvantaged businesses shall be those businesses designated as such by the Regulations issued by the Equal Employment Opportunity Commission ("EEOC"), as they may be amended from time to time.

It is the goal of the Board that 25% of the total dollar amount available each fiscal year to the Board for contracts covered by this Policy shall be spent with minority and/or disadvantaged businesses. It is further the goal of the Board that minority and/or disadvantaged business located within the Birmingham Standard Metropolitan Area be utilized whenever possible and practicable.

The purpose of establishing these goals for minority involvement is to ensure that these businesses are given an equal opportunity to compete for contract dollars from public funds.

The goals set out herein shall apply to all contracts and subcontracts financed in whole or in part with Board funds, including, without limitation, contracts for construction, purchase of goods, materials and equipment, and professional services.

A designated representative of the Superintendent, employed by the Board, shall oversee this policy's requirements and assist contractors and board departments in the performance of the goals contained in this policy including a current listing of minority and disadvantaged persons and businesses which provide goods, materials, equipment or professional services customarily sought or purchased by the Board. This designee shall ensure that this policy is reflected in bids, specifications, requests for proposals, and/or contracts of the Board.

The Board shall no less than annually review the goals for award of contracts to minorities and the percentage goal established in this policy. The provisions of this policy shall

be periodically reviewed by the Superintendent and the Board. Recommended changes in the program which are required to effectively administer the program may be made by the Superintendent with the approval of the Board. A quarterly review of all construction contracts, contracts relating to the purchase of goods, materials and equipment, and professional services contracts will be provided to the Board.

BIRMINGHAM CITY SCHOOLS

APPROVED: 5/24/77

REVISED: 6/23/87

REVISED: 12/12/06

FACILITY USE

Community organizations are encouraged to make use of school property in accordance with the goals and intent of the Board. The K-12 school program will have first claim on public school facilities at all times. Use of buildings or grounds by others must be approved in writing by the Superintendent or his designee. Use of school property will be in accordance with regulations established by the Superintendent.

UTILIZATION AND LANDSCAPING OF SCHOOL CAMPUSES

The organization and coordination of school land and campus utilization projects are encouraged and shall be conducted in such a way that community resources, both human and material, will be utilized to the maximum.

SCHOOL PLANT INVENTORY

An inventory of facilities will be maintained. The inventory will be in keeping with the format of the State Department of Education and will undergo periodic revision and study.

A summary listing of changes during the preceding twelve (12) month period will be presented to the Board in October for the preceding budget year.

SCHOOL SITES

Sites for new schools are acquired by the Board when the growth and development of a community is determined to warrant a new school. New school sites must meet the minimum standards for accreditation as determined by the State Board of Education.

The Board purchases needed additions to existing school sites as they become available and to the extent that funds are available.

School sites will be located as near as is practical to the center of the attendance area they are expected to serve and will be purchased as far in advance of need as possible.

SIZE OF SCHOOLS

Schools should be large enough to permit the effective and economical provision of a complete program of required and elective subjects, co-curricular activities, and specialized services.

No new school shall be so small that a complete program of auxiliary as well as basic services cannot be efficiently provided to all pupils.

STAFF AND COMMUNITY INVOLVEMENT

Principals, administrators, teachers, other school staff, and selected representatives of the community involved shall contribute to the planning of new school buildings and the selection of the most appropriate type of facility. Staff shall be given the opportunity to submit suggestions for possible inclusion in the educational specifications.

NEW CONSTRUCTION

The need to construct a sufficient number of new buildings and building additions, and to construct buildings to replace obsolete facilities so as to meet the demands of present and future pupil enrollment is recognized by the Board. In planning all construction, major consideration will be given to:

- (1) the educational needs of the pupils
- (2) safety and welfare of pupils and staff
- (3) quality and durability of materials
- (4) flexibility for instructional purposes
- (5) minimum maintenance
- (6) energy conservation
- (7) low insurance rates
- (8) elevation of floors above flood level
- (9) relationship between the projected new facilities or additions and those in existence.
- (10) long-range need

Attention will also be given to use and suitability of the facilities for other than regular day school classes.

PRELIMINARY COST ESTIMATES

Preliminary cost estimates based on prevailing unit costs with projected increases to proposed construction date(s) as perceived by the Project architect will be presented to the Board by the Superintendent for the purpose of setting tentative budget figures for each project.

EQUIPMENT

Equipment which can be best purchased and installed by the contractor will be specified by the administrative staff. Other equipment will be purchased in accordance with the best interests of the Board.

RENOVATION OF EXISTING BUILDINGS

Renovations to structurally sound buildings will be made when funds permit so as to provide the highest type educational environment for pupils. In such instances, consideration will be given to educational needs, flexibility, maintenance, equity, and sound economic investment.

PLAN REVIEWS BY BOARD

Prior to any proposed construction or renovation, the Board, upon recommendation of the Superintendent will:

1. Give initial approval to the proposed project.
2. Authorize preliminary plans and specifications.
3. Review preliminary drawings and authorize working drawings.
4. Review working drawings and specifications.
5. Authorize request for bids.
6. Review and analyze bids, award contracts, and approve specifications.

CHANGE ORDERS

Necessary and desirable changes as buildings progress are authorized together with a contingency fund for this purpose.

Change orders involving footings and foundations, and other change orders which can be financed with allocated funds, may be approved by the Superintendent.

Change orders which exceed the contingency fund will require Board approval.

PROJECT SUPERVISION

The Superintendent or his designee will assist the employed architect in inspection of projects to assure proper meeting of all plans and specifications.

SCHOOL PLANT OBSOLESCENCE

Upon recommendation of the Superintendent, the Board sells, rents, or leases school properties that are no longer desirable and/or needed for school purposes. Funds derived from the sale of these properties, past and future, may either be deposited for reinvestment in capital improvements or may be deposited into the Board's general fund. The decision of whether the funds will be reinvested in capital improvements or into the general fund will be made on a property-by-property basis by the Board, upon the recommendation by the Superintendent.

NAMING A SCHOOL BUILDING

Whenever a new school building is to be named, the President of the Board shall appoint a diverse committee to study possible names. The committee will consist of no fewer than three Board members. It will also consist of various neighborhood or community representatives. These representatives may include parents, students, neighborhood presidents, representatives from the business community, representatives of the faith community, and others. The committee will recommend to the Superintendent a name or names for the school for the Board's consideration and approval and the Superintendent will make those recommended name(s) known to the Board.

The name of the school building will be selected by a majority of the Board. Recommendation by the Superintendent is not required.

Proposed names will normally be selected in accordance with the following guidelines:

- If the school is to be named by its location in the community, the name proposed should be descriptive and of reasonable length.
- If the school is to be named for an individual, the name should be that of an outstanding civic or educational leader of either local or national prominence, who is either retired or deceased.
- In new construction, the Board will assure that no two schools will be given the same name.

Once a school is named, the Board will consider the renaming of that school only under unusual or extraordinary circumstances.

In all cases, naming shall be in conformity with State Law.

DEDICATION

A suitable dedication program planned cooperatively by the Superintendent's staff, local school principals, students and parent groups will be held for all new schools and major school additions.

CONSOLIDATING SCHOOLS AND CLOSING FACILITIES
OR CONVERTING TO OTHER USE

Periodically, consideration will be given as to whether the use of the various school facilities is consistent with the general purpose of the school system to provide the optimum educational program in economically feasible and safe locations.

The Superintendent shall, on a continual basis, collect and maintain such data as would be pertinent to a consideration of whether the use of a facility for school purposes should continue. He may recommend to the Board for its consideration any change in the use of a school facility that may involve consolidation, closing and/or conversion to some other use when he believes such action will serve the best interest of the school system.

From time-to-time, a comprehensive study of the use of all school facilities may be conducted either by the Superintendent and his staff or, with the Board's approval, by other appropriate consultants or agencies. Such a study will also include the appointment of a Task Force of lay citizens, parents and staff members as an advisory group.

Any study conducted by the Superintendent and his staff or by outside consultants or agencies that gives consideration to the consolidation, closing and/or conversion of school facilities to other use shall take into account the following criteria:

A. Educational Program Consideration

Enrollment size in relationship to that needed to provide quality educational programs.

Projected enrollment as it may relate to that which is needed to provide quality educational programs in the future.

Proximity of the school to community resources.

Effect on the educational program of surrounding schools that may result from a change.

B. Desegregation Considerations

Effect that closing a school would have on desegregation

C. Pupil Considerations

Hardships and/or benefits to parents and children that would result from closure including safety, distance, physical barriers, and economic problems.

D. Community Considerations.

Effect on the neighborhood in the event of closure or consolidation or conversion to other use.

E. Financial Considerations

Overall financial condition of the Birmingham School System, both current and projected.

Analysis of operating costs and savings that may result from closure or consolidation.

Added costs or savings for transporting pupils.

F. Building Considerations

Age and condition of building, location and size of site.

Adequacy of building for the program.

Suitability of building for other school system uses.

Alternatives of selling or leasing the facility.

G. Long-Range Planning Considerations

Relationship to comprehensive planning of the school district, other governmental bodies and planning agencies.

Need to use property for other purposes.

Projected land use resulting in changes and residential and commercial patterns.

Parents and other school patrons will be involved early in the discussions pertaining to possible school closing and consolidation. An orderly procedure including the provision of information to all who would be affected will be used when closing a school or consolidating it with another school is under consideration. Parents will be informed in advance regarding recommendations and possible Board action.

SCHOOL BUILDING SECURITY

The safety and security of all school buildings and grounds will be carried out through notices posted on all exterior doors stating the requirement that all visitors go to the office and get, and wear, a visitor's permit; security locks on exterior doors; and a bell system in elementary schools which will permit the control of a particular door by the administrative staff.

GUN-FREE ENVIRONMENT

The Birmingham Board of Education recognizes the importance of a gun free environment for the safety of students and staff. In compliance with both state and federal laws, the Board declares all buildings and all spaces within them to be officially designated gun-free environments. The possession of firearms or other dangerous weapons by students and/or staff members shall be prohibited on school system property and school sponsored events at all times and in school vehicles at all times, except as authorized by the Superintendent of Schools.

This policy shall apply to each employee, student and visitor. Failure to adhere to this policy shall result in the following:

Employees

In accordance with Board Policy 2080, which states, "All persons have an obligation to both implement and support these policies." Employees are expected to comply with the policy regarding a gun-free environment. Failure to do so will result in administrative action up to and including termination for failure to follow board policy.

Students**From the Code of Student Conduct**

3.09 - Possession of firearms. Discharge, possession, transfer, or sale of any firearm (including a starter gun, BB gun or pellet gun) which will, or is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any similar destructive device.

3.09 (a) - Possession of a firearm

3.09 (b) - Possession of a stun gun

Other Disciplinary Actions:

Note: Possession of a firearm on school property violates both federal and state laws. Such laws apply to all persons while on school property. It is the School Board's policy to require the expulsion or suspension from school for a period of not less than one calendar year for any student who is determined to have brought a firearm to school. In addition, any student, staff member, or visitor who brings a firearm on school property will be referred to the criminal justice or juvenile delinquency system, as required by

GUN-FREE ENVIRONMENT (CONT.)

state law. The superintendent may modify such requirements for a student, staff member, or visitor on a case-by-case basis.

Administrative Procedures and Guidelines

Class III Offense Disciplinary Actions:

Grades K-12

Commission of a Class III offense shall be reported immediately by the principal or designee to the following persons:

- The student's parents or guardian
- The Principal's immediate supervisor
- The Attendance Department

If serious bodily injury, property damage, drugs and/or firearms are involved, or in other cases deemed sufficiently serious, contact the Birmingham Police Department (328-9311) for assistance. All drugs and/or firearms found or confiscated on school premises must be immediately turned over to police officers. Other unauthorized objects found in the possession of students may be returned to the parent upon written request to the principal by the parent(s) or legal guardian after the due process.

Note: In an emergency or if immediate police assistance is needed, dial 911 before following normal notifications procedures.

The normal disciplinary punishment for the commission of a Class III offense is removal from school for the remainder of the school year of, if the offense occurs within the last 20 school days of the school year, removal from school for the rest of the school and next school year.

The principal (or designee), after reviewing the allegations and evidence against a student and giving the student the opportunity to respond to the allegations, is initially responsible for deciding that a Class III offense has been committed. Once that determination has been made, the principal (or designee) will give the student a suspension notice containing a written statement of the charges (and a statement of

mitigating or extenuation circumstances, if any) and shall suspend the student. A copy of the suspension notice must also be mailed to the parent(s) or legal guardian, the Attendance Department, the Principal's immediate supervisor, and the District's Special Education supervisor, if applicable.

During the due process, if the Hearing Officer decides, based on facts developed at the hearing, that the student committed a Class III offense, the student shall be subject to expulsion. If, however, there are mitigating or extenuating circumstances, the Hearing Officer shall separately state those circumstances and may consider them in deciding appropriate disciplinary action. Mitigating or extenuating circumstances include, but are not limited to, the absence of severe personal injury, the absence of extensive property damage, handicapping conditions, interventions at the local school level, and no prior record of a Class III offense.

One of the Hearing Officer's options is to allow the student to attend an alternative school under the conditions set forth by the Board of Education in order to earn admittance to the local school. Should the parent(s) or guardian be offered this opportunity and decline it, the Hearing Officer may recommend to the Superintendent that the student be expelled from all Birmingham City Schools.

Special Education Students

When a Special Education student is alleged to have committed a Class III offense, the student may be suspended from school for up to ten school days. Within the ten day time frame a Hearing Officer shall conduct a fact finding hearing to determine if the student committed the offense, the proper classification of the offense, and whether severe personal injury or extensive property damage was involved. The Individualized Education Program Committee will then decide if the offense was a manifestation of the disability and will decide the appropriate action to be taken to address the consequences of the offense. The IEP Committee may recommend placement in an alternative setting. However, absent the presence of a dangerous weapon or drugs, in no case may a special education student be excluded from school in excess of ten days without the IEP Committee convening to address the behavioral issue. Any changes in the student's educational program or changes in placement must be decided by the IEP Committee.

LEGAL REF: Sec. 1702, Gun-free School Zone Act of 1990, 18 U.S. Code 921; Public Law 103-382; "Improving America's Schools Act of 1994," Part F, Section 14601, Gun-Free Requirements: Legislative Act 94-820, 94-817. Title IV, Part A, Sec. 4114-B.2.d.

BIRMINGHAM BOARD OF EDUCATION

CURRICULUM AND INSTRUCTION

SERIES 7000

INSTRUCTIONAL PHILOSOPHY

The Birmingham Board of Education exists for the benefit of every child. The goal of the school, therefore, is to provide a sound, well-balanced instructional program and environment which will foster the maximum development of the individual child socially, mentally, physically and emotionally. The program will be developmental and clearly defined to ensure maximum academic proficiency. Learning experiences will vary according to individual needs while providing all students with a basic body of knowledge, understanding, attitudes and skills necessary for a full and productive life.

The Board supports continuing efforts to accomplish this goal through design and supervision of a quality instructional program and seeks to create a proper instructional climate through provision of the best possible staff, facilities, equipment and materials.

SCHOOL AND COMMUNITY RELATIONS

A quality educational program depends upon the cooperation of the community and the school. The Birmingham Board of Education encourages, solicits and supports a collaboration between the school and community in an effort to achieve the educational goal of the schools.

INSTRUCTIONAL PROGRAM

In meeting student needs within the total school system, it is desired that, within the realm of his/her own capability, each student will:

1. develop a positive attitude toward learning and will be encouraged to seek and to take full advantage of available opportunities in preparation for a productive life.
2. acquire a complete and realistic understanding and acceptance of himself, his/her talents, potential and limitations as well as an appreciation of his/her worth as a member of society.
3. develop the ability to think creatively and critically, to analyze and formulate sound decisions and to function effectively in a complex society.
4. be provided opportunities to become computer literate.
5. develop both an appreciation for and skills in the scientific method of problem solving and will be encouraged to use this method in resolving everyday problems.
6. develop an adequate historical background and perspective in order to know and appreciate the democratic heritage and to utilize this knowledge to acquire and exercise fully the rights and responsibilities of good citizenship.
7. develop sound moral and ethical values which will foster appropriate behavior.
8. develop interests and skills in the creative and meaningful use of leisure time.
9. develop an understanding of and respect for individual differences and cultures while acquiring the ability to live and work together productively.
10. develop and understand the need for good physical and mental health habits.
11. develop an understanding and respect for human achievement in the natural and social sciences, the arts and the humanities through an interdisciplinary approach to these disciplines.
12. experience the creative contributions of diverse cultures through the arts and develop aesthetic awareness according to his or her own interests and capabilities.
13. develop an understanding of the total environment and its influence on human affairs and existence.

**CURRICULUM AND INSTRUCTION
7010 CONTINUED**

14. learn to accept social and civic responsibilities necessary for the development and use of sound moral standards in our society.
15. be aware of the importance of continuous communication among teachers, administrators, parents and community.
16. be cognizant of the purposes and services of the community volunteer program.
17. be aware of the school's philosophy and objectives and will share this information with their parents and guardians.
18. obtain the knowledge of career opportunities and develop necessary skills for satisfactory vocations, a productive personal life and effective citizenship.

LENGTH OF SCHOOL DAY AND SCHOOL YEAR

The length of the school day and of the school year for students will be in keeping with the intent of State laws which prescribe minimum instruction time for students as interpreted by the State Board and Superintendent of Instruction.

CURRICULUM & INSTRUCTION

**POLICY OF NONDISCRIMINATION
FOR THE GIFTED/TALENTED PROGRAM**

The Birmingham City School District ("District") is committed to educational excellence for all students. Therefore, it is the policy of the District that there shall be no discrimination against any student by reason of race, color, national origin, creed, sex, religion, or disability regarding the identification, screening, referral, evaluation, and eligibility of potentially gifted students. All potentially gifted students shall be provided an opportunity for equal access and participation in the gifted/talented program.

Further, the District will notify all interested persons about the gifted/talented program by posting the policy in schools, by placing the policy in hand-books, and taking all other appropriate measures to ensure widespread dissemination and promulgation of the policy.

BASIC PROGRAM

The basic educational program for the Birmingham Board of Education is intended to provide for the maximum growth of all students. It shall be so developed that learning experiences will vary according to individual needs while providing all pupils with a basic body of understanding, attitudes, knowledge and skills necessary for a productive life.

Changes or alterations affecting the purpose or intent of the basic educational program must be approved by the Board.

IMPROVEMENT OF THE INSTRUCTIONAL PROGRAM

Improvement and development of the educational and instructional program shall be continuous. Modifications, experimentation, and revisions in the curriculum which benefit the children of the Birmingham Schools are encouraged.

BIRMINGHAM CITY SCHOOLS MATHEMATICS CURRICULUM REQUIREMENTS

POLICY

In an effort to improve mathematics curriculum opportunities for all students who attend a Birmingham City School, the district will provide standards-based, algebra-rich, hands-on mathematics instruction to all students, K - 12. Therefore, it shall be the policy of the Birmingham City School district that the following are curriculum requirements for all students effective the 2001-2002 school year. The 2000-2001 school year will serve as a planning, training, and pilot year for these same requirements.

Elementary School (Kindergarten through Fifth Grade)

- The Everyday Mathematics program will serve as the curriculum for teaching of mathematics for all students in grades kindergarten through five.

Middle School (Grades Six through Eight)

- All eighth grade students will be required to take high school level Algebra and will receive one high school academic credit upon successful completion of the two semester course (.5 credit for each semester).
- All seventh grade students will participate in a pre-algebra course which will also include those areas required as part of the Alabama State Course of Study but includes an emphasis on pre-Algebra skills.
- All six grade mathematics courses will include the teaching of pre-algebra skills as well as those objectives required as part of the Alabama State Course of Study.

High School (Grades Nine through Twelve)

- All students will participate in four credits of mathematics instruction as required by the State of Alabama. To meet this requirement, students will participate in higher level mathematics courses such as geometry, algebra II, trigonometry, and pre-calculus or calculus.

Mathematics Policy (cont.)

High School (Grades Nine through Twelve)- cont.

- Courses will be added to the curriculum to provide students with the opportunity to participate in advanced level mathematics.

Adult Diploma Program

The Birmingham City Schools establishes the Adult Diploma Program for granting high school credits and awarding high school diplomas to adults.

ACADEMIC FREEDOM

Students and teachers have the right to explore and discuss divergent points of view in the quest for knowledge and truth. Controversial issues may be a part of instructional programs when judgement of the professional staff deems the issues appropriate to the curriculum and maturity of the student.

The teacher should seek to promote full and fair consideration of many sides of an issue and should see that facts are carefully examined as to their accuracy and interpretation. The role of the teacher shall be that of moderator and shall not attempt, directly or indirectly, to limit or control the students' judgement concerning controversial issues.

BIRMINGHAM CITY SCHOOLS

APPROVED: 8/20/74

REVISED: 4/21/81

EQUAL OPPORTUNITY IN COURSE SELECTION

Each qualified student, regardless of sex, race, religion or national origin, will have an equal opportunity to enroll in any course offered in the School System.

LESSON PLANS

All teachers are required to develop written lesson plans for each class they are assigned. The degree of specificity of these lesson plans shall be determined by the teacher in accordance with the approved curriculum and must be sufficient to be easily interpreted by a supply teacher if the need should arise. Such lesson plans are to be made available to the principal and/or other school system supervisory personnel for inspection upon request.

COURSE OF STUDY
(Kindergarten through Twelfth Grades)

The Birmingham Course of Study shall meet content requirements as established by law and guidelines of the State Board of Education. In addition, it shall contain appropriate courses as determined by the Birmingham Board of Education in at least the following basic areas:

Mathematics
Language Arts
Science
Social Studies
Career Education
Health and Physical Education
Fine Arts

No course of study shall be eliminated nor new courses added without approval of the Board. Neither shall any basic alteration or reduction of a course of study be made without Board approval.

Each teacher (grades kindergarten through twelfth) shall be given a copy of the Birmingham Course of Study or a Scope and Sequence Skills Chart for each basic course and shall be familiar with and provided with changes as they are made.

EVALUATION OF THE INSTRUCTIONAL PROGRAM

The administrative and instructional staff are expected and encouraged to study continuously and update all aspects of the school program. The Birmingham Board of Education shall be advised of the need for new or revised programs and shall encourage involvement of each school community in the consideration of improvements.

SPECIAL PROGRAMS

Programs which serve to extend educational opportunities and accommodate special needs of students and citizens beyond the regular instructional program shall be provided within available resources subject to approval of the Board. Summer schools, work study programs, community schools and other special purpose programs will be provided at the discretion of the Birmingham Board of Education upon recommendation of the Superintendent.

CO-CURRICULAR ACTIVITIES

The Birmingham Board of Education encourages schools to develop and conduct programs of co-curricular activities which provide for a wide variety of student interests. Appropriate personnel shall participate in the design and supervision of all such activities.

**Birmingham City Schools
Revision To
No Pass, No Play Policy/Extra Curricular Participation Policy
Grades 7-12**

The Birmingham City School District holds all students to high standards. As a result, the Birmingham City School District will, as a minimum, adhere to all guidelines of the State Board of Education/Alabama High School Athletic Association regarding participation eligibility. The Birmingham City School District supports the necessity of developing a framework to regularly assess each athletic and extracurricular student's progress toward earning the 28 credits required in grades 9-12 for graduation with four (4) credits each in science, mathematics, social studies, and English.

The following extra-curricular participation policy is proposed:

1. Students in grades 7-8 must pass all courses to be eligible to participate in extracurricular activities/competitions/performances for the following school year. An overall grade point average of seventy (70) in the core curriculum is required.
2. Students in grades 9-12 must, for the immediate preceding school year, have a total numerical average of 70 (including all four core courses) and earn the appropriate number of state required credits.
3. Students participating in extra curricular activities will be monitored after the first nine weeks of school to determine their level of academic performance. Students who do not meet the above referenced criteria will be placed on probation and required to participate in regular tutoring sessions arranged and supervised by their local school. Proof of attendance and verification of completion of work in the area of low academic performance will be necessary for the student to continue to participate in extracurricular activities/competitions/performances. The sponsors/coaches of the probationary students will be required to maintain documentation on the adherence of these students to the above referenced requirements. Failure to meet requirements will result in temporary suspension from participation until requirements are met.
4. No more than two (2) Carnegie units may be made up during summer school.
5. Physical education may count as only one (1) unit per year.
6. Eligibility shall be determined on the first day of the school year and shall remain in effect for one (1) complete school year. Students deemed ineligible at the beginning of the school year by virtue of having failed to meet the requirements outlined in the above referenced guidelines, 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. An ineligible student may not become eligible after the fifth day of each semester. Eligibility restoration must be determined no later than five (5) school days after the

beginning of the succeeding semester and with the concurrence of the Alabama High School Athletic Association when applicable.

Birmingham City Schools

Approved: 8/10/99

Revised: 8/15/03

Revised: 8/9/05

CHARACTER EDUCATION

The Birmingham Board of Education encourages the development of moral and ethical values in a manner consistent with legal requirements and in keeping with community standards of appropriate conduct and character development.

INSTRUCTIONAL RESOURCES

Each school shall be provided, on an equitable basis, a wide variety of instructional materials and resources to meet the instructional needs of students. Teachers, parents, and the community are encouraged to suggest and utilize materials with the due consideration of reasonable financial limitations.

POLICY REGARDING STATE OWNED TEXTBOOKS

The Birmingham Board of Education is eager for the pupils in the system to secure the greatest possible benefits from the textbooks furnished at State expense. To that end, a pupil will be permitted to use State owned textbooks, if the parent or guardian has signed annually, an agreement to be responsible for the books which are checked out to this pupil.

In the case of loss or damage to a textbook assigned to a pupil, the basis of computation shall be a variable of fifty to seventy-five percent of the original cost of the book to the state unless the book was new when issued. New texts will be assigned a penalty of 100% of the original cost of the textbook if lost during the first year of use. If such parent or guardian of pupil to whom the textbook was issued fails to pay such assessed damages within 30 days after notification, such pupil shall not be entitled to further use of such textbooks until remittance of the amount of loss or damage shall be made.

If there are extreme or extenuating situations, which can be documented, whereby it is a great hardship on the parent or guardian to pay the assessed value, then the school will make provisions to pay for the loss.

Legal Ref.: Code of Alabama, 1975, §16-36-69

BIRMINGHAM CITY SCHOOLS

Approved: 4/26/05

TEXTBOOK SELECTION AND ADOPTION

Textbook administration shall be in conformity with provisions of the State Textbook Law, policies of the State Department of Education and requirements of the local Board.

The Birmingham Board of Education, on the recommendation of the Superintendent, shall appoint a committee to evaluate local needs and to make selections of textbooks. Textbooks shall be adopted by the Committee with the approval of the Superintendent.

Textbook allocations to local schools shall be made on the basis of need and principles of equity.

COPYRIGHT

It is the intent of the Birmingham City Schools to adhere to the provisions of copyright laws (PL 94-553; Title 17; Sections 106-118) in the areas of print and nonprint materials, including microcomputer programs and off-air recordings. Illegal copies of copyrighted programs may not be made or used on school equipment. The legal or insurance protection of the School System will not be extended to employees who violate copyright laws. The Superintendent is designated as the only individual who may sign license agreements for software for schools in the district. The principal of each school site is responsible for establishing practices which will enforce this policy at the school level.

CENSORSHIP

The Birmingham Board of Education makes every attempt to ensure that appropriate materials are provided for instructional purposes. Although the citizenry has the right to review materials being used in the schools, the final decision related to the suitability of materials shall rest with the Superintendent or his designee and the Board of Education.

SCHOOL LIBRARY MEDIA CENTERS

Each student shall have access to a school library media center which shall implement, enrich and support the educational program of the school. To the extent funds are available, each center shall be equally equipped in accordance with accreditation standards.

SELECTION OF SCHOOL LIBRARY MEDIA RESOURCES

School library media resources shall be selected in accordance with the philosophy and objectives of the Birmingham Board of Education and the local school; and, shall support the curriculum of the school. Teachers, parents and students are encouraged to suggest resources for the library collection, with due consideration given to financial limitations. The responsibility for coordinating the selection of materials and equipment rests with the professionally trained school library media personnel, under the supervision of the principal, with the final authority being vested in the Board of Education.

INSTRUCTIONAL TELEVISION

Radio and television programs, together with other media such as films, may be incorporated into instructional programs provided such programs are of an instructional nature and serve to achieve the purposes and objectives of the instructional program.

Instructional Television shall be made available to all students. An adequate production and distribution system will be maintained to the extent that funds are available. ITV and all the technologies thereof will support the instructional program. Appropriate personnel shall participate in the proper design and supervision of these activities.

FIELD TRIPS

Educational study trips are considered a vital part of the curriculum and are encouraged. Field trips should originate with the teacher but must be approved by the Superintendent or his designee. Field trips must provide students with extended learning opportunities. Priority must be given to the safety of the students.

COMMUNITY RESOURCE PERSONS

The Birmingham Board of Education encourages the enrichment of curriculum and the widening of educational horizons through the use of persons from outside the schools with special knowledge, talents, or vocations to provide student or teacher learning opportunities.

ADOPT-A-SCHOOL

The Birmingham Board of Education seeks to encourage cooperative efforts with the community, local business, industry, and other organizations to provide programs, materials, and personnel that will enhance the regular curriculum.

The Adopt-A-School Program is the approved means for stimulating and coordinating the services of these qualified volunteers in the Birmingham Public Schools. The Board approves the need of volunteers in the Adopt-A-School program to promote school/community interaction, enrich the curriculum, and complement and supplement the educational program. The Superintendent may develop guidelines to assure full cooperation and effective interaction between the schools and community, business, industry and others.

SCHOOL VOLUNTEERS

The Birmingham Board of Education recognizes that community volunteers make many valuable contributions to our schools. The Board endorses volunteer programs in the schools subject to administrative regulations and safeguards.

STUDENT EVALUATION AND REPORTING PUPIL PROGRESS

The Birmingham Board of Education requires that all parents be informed of the progress of their children. Teachers shall periodically share with parents and students an evaluation of each student's individual progress. Regular written reports, student conferences, parent conference, and other meaningful ways to report student achievement are encouraged.

Methods of evaluating and reporting the progress of pupils shall facilitate each student's learning, encourage the growth of self-confidence and intrinsic motivation and portray student competence in prescribed skills.

GRADING POLICY

We Believe

- All children must be presented opportunities to learn and to be successful.
- Successful learning is the result of quality instruction.
- Failing grades are indicative of failing teachers, students and parents.
- Everyone must be accountable and responsible to ensure success.
- Teachers must use report cards, progress reports, and every other means available to communicate with parents. Teachers must communicate to both parents and students the academic progress of each student in a timely and effective manner.

The K-12 School Year...

The K-12 school year is broken into (4) nine-week grading periods. At the end of each grading period, academic marks are entered into the computer and report cards are generated for dissemination to students. The grading scales adopted by the Birmingham Board of Education are:

Grades 1-12

A 100-90
 B 89-80
 C 79-70
 D 69-60
 F 59 and below

Kindergarten

E---Excellent
 S---Satisfactory
 N---Needs Improvement

The previous minimum grade of 50 is now rescinded.

Numerical grades are recorded for each marking period in grades 1-12.

Progress Reports

Mandatory progress reports for all students will be issued *midpoint* in each nine-week period.

Homework

Homework assignments should be made on a reasonable and regular basis. All assignments should have a clear educational purpose in support of the curriculum. Homework *should* reinforce concepts discussed and taught in the classroom, as well as be a means of introducing new materials.

Assessment

Assessments may include daily assignments, homework, tests, quizzes, and varied writing assignments, as well as portfolios, products, performances, research papers or other projects. Further, teachers should have a **minimum** of one grade per week per subject (homework, daily assignments, tests, etc.) for each student in each nine-week grading period, which is to be recorded in a grade book for that class.

TESTING PROGRAM POLICY

The Birmingham City School Board of Education will adhere to the State of Alabama Testing Program. The testing program will follow guidelines set by state and federal mandates in determining adequate yearly progress. All students will participate in state and/or federal mandated assessments.

All Board employees will follow Birmingham City School District's test security plan.

Ref: No Child Left Behind Act of 2001 (P.L. 107-110)

HOMEWORK

A reasonable amount of homework will be assigned to extend, reinforce and enrich the school program.

PROMOTION AND RETENTION

Placement, promotion, or retention shall be made in the best interests of the student after careful evaluation of all factors relating to the student's total development with special emphasis on academic competence.

HIGH SCHOOL ENROLLMENT

A full six hours of instruction should be provided each school day. During the regular school year, each high school student will be required to enroll in a full day's program of courses (including study hall) regardless of any advanced credit he/she may have earned unless, with Principal and Parent consent, an early dismissal and short schedule is approved for:

1. Holding a job for which early dismissal daily is required. Students must be enrolled through a bona fide educational program, such as cooperative training and college-level course work.
2. Having some daily obligation which could not be performed without early dismissal.

HIGH SCHOOL SUMMER SCHOOL

Summer study and credit courses will be made available to high school students to the extent that the resources of the School System allow and to the extent allowed by tuition fees authorized by the Board.

Non-credit remedial and enrichment programs may be offered.

Credit courses may be offered for students who need to make up failed courses, for purposes of remedial instruction or for enrichment or purposes of personal interest.

Credit courses during summer school will operate under the same standards as regular year courses and with a pupil-subject-teacher ratio of no more than 25 students per class and no less than 15 students per class.

GRADUATION

Students (including exceptional students) who have attended the Birmingham Public Schools and have successfully completed the requirements prescribed by the state and the Birmingham Board of Education will be issued a diploma and may participate in appropriate school ceremonies as approved by the Superintendent or his designee.

Exceptional students who have completed Individual Education Program (IEP) requirements who do not meet the requirements for issuance of a diploma will receive a certificate of graduation or certificate of completion and may participate in appropriate school ceremonies as approved by the Superintendent or his designee.

IN-SERVICE TRAINING

The Birmingham Board of Education recognizes the need for continuous staff in-service training and shall provide appropriate opportunities for such training in accordance with State requirements and recommendations of the Superintendent.

LIVE WORK

Live Work is work performed by students as part of their training program in Career Technical Education. It includes service, repair or production jobs related to the knowledge and skills currently being taught as part of a Career Technical Education program of study or to reinforce acquired knowledge and skills previously taught. This work can be done either in school facilities or in a business location.

Instructors are responsible for following all regulations and guidelines which detail the appropriateness, scheduling, cost of supplies, collection of charges and release of school and student liability. Live Work shall not be conducted in competition with private enterprise and it excludes work performed by Cooperative Education students who are employed in business and industry for wages.

COOPERATIVE EDUCATION DISTRICT POLICY

It is the policy of the Birmingham City Schools Board of Education that the Career and Technical Education Department will maintain an active Cooperative Education (Work-Based Learning) program that meets the state guidelines as established in the Alabama State Department of Education's Work-Based Learning Manual. Students enrolled in a cooperative education program must be under the supervision of a Work-Based Learning Coordinator and a business supervisor where the student is employed. As deemed by the Birmingham City Schools Board of Education, it will be required that all potential Work-Based Learning students become enrolled in the Workforce Essentials course. Exceptions to this rule can be reviewed and changed by the Principal and Work-Based Learning Coordinator. It will also be required that cooperative education students adhere to district rules and regulations regarding attendance and early dismissal according to the Alabama State Department of Education Policy# TRB:LAK, FY10-2071.

Students enrolled in cooperative education are also encouraged to join their student organization and actively participate and support the career and technical organization in which they are enrolled.

Birmingham Public Schools

Policy Regarding the Legal and Ethical Use of Technology Resources and the Internet

MISSION

We believe that all children can learn, that all children have worth, that education is a worthwhile endeavor, and that achievement should be the constant, and time the variable. Every day is a day of growth and achievement. Our schools will be the instrument of inquiry, discovery, and exploration that will tune in and adjust to each child's rate of growth and unique pattern of learning. Our professionals will conduct a never ending search for the most innovative, effective, and appropriate materials and instructional strategies.

The community will serve as one of the most important laboratories to teach our youth about our way of life and its components. Students will learn about their responsibilities and roles as citizens.

INTRODUCTION

To ensure that students receive a quality education and that employees are able to work in a professional and intellectually stimulating environment, it is the acceptable use policy of the Birmingham Public Schools to provide all students and employees with the opportunities to access a variety of technology resources.

The creation of a large and varied technology environment demands that technology usage be conducted in legally and ethically appropriate ways, consistent with the Mission Statement and instructional goals of the Birmingham Public Schools.

Thus, it is the intention of the Birmingham Public Schools that all technology resources will be used in accordance with any and all school system policies and procedures, as well as local, state and federal laws and/or guidelines governing the usage of technology and its component parts. Additionally, it is implied that all students and employees of the Birmingham Public Schools will use the provided technology resources so as not to waste them, abuse them, interfere with or cause harm to other individuals, institutions or companies.

Birmingham Public Schools

Policy Regarding the Legal and Ethical Use of Technology Resources and the Internet

POLICY STATEMENT

The primary goal of the technology environment is to support the administrative, educational and instructional endeavors of the students and employees of the Birmingham Public Schools.

Individuals may only use accounts, files, data, software, and computer resources that are assigned to those individuals under their password.

Individuals must take all reasonable precautions to prevent unauthorized access to accounts and data and any other unauthorized usage within and outside the Birmingham Public Schools. Duplication of any copyrighted software is prohibited unless specifically allowed for in a license agreement.

All original copies of software programs, including those purchased with departmental funds, and hardware will be stored in a secure place designated by the principal/supervisor.

If a single copy of a given software program is purchased, it may only be used in one computer at a time. Multiple loading or "loading the contents of one disk into multiple computers" is NOT allowed. If more than one copy of the software is needed, a site license, lab pack, or network version must be purchased.

The Executive Director of Integrated Technology Programs and Services is designated to sign license agreements for a school in the system or for the system itself. Any system-wide agreement that is signed will be distributed to all schools that will use that software.

All software and hardware in use on the local area network(s) within the Birmingham Public Schools must be installed by the Office of the Executive Director of Integrated Technology Programs and Services. Students and staff are not authorized to install software.

Individuals are not authorized to make copies of any software or data without the knowledge of the Executive Director of Integrated Technology Programs and Services. Any questions about copyright provisions should be directed to the Office of the Executive Director of Integrated Technology Programs and Services.

All software and hardware purchases or donations must be coordinated through the Executive Director of Integrated Technology Programs and Services and must adhere to district-wide hardware and software standards.

Birmingham Public Schools

Policy Regarding the Legal and Ethical Use of Technology Resources and the Internet

Illegal copies of software may not be created or used on school system equipment.

Individuals are expected to report any violations of this policy and/or problems with the security of any technology resources to the Principal/supervisor and the Executive Director of Integrated Technology Programs and Services.

Any use of technology and data resources that reduces the efficiency of use for others will be considered a violation of this policy.

Students and employees of the Birmingham Public Schools must not attempt to modify technology resources, utilities and/or configurations, or change the restrictions associated with their accounts, or attempt to breach any technology resources security system, either with or without malicious intent.

Network access shall not be used to affect individual computers or the network in any of the above ways.

The Principal of each school will be responsible for establishing specific practices to enforce this policy at individual schools.

The legal and ethical practices of software and hardware usage will be taught to all students and employees in the system (i.e. during computer lab orientation; during faculty meetings, etc.).

These policies will be prominently displayed in all rooms that contain one or more computers.

All Birmingham Public Schools technology resources, regardless of purchase date or location, are subject to this policy.

Any questions about this policy, its interpretation, or specific circumstances shall be directed to the Office of the Executive Director of Integrated Technology Programs and Services.

Violators of this policy will be handled in a manner consistent with comparable situations requiring disciplinary action, including, but not limited to: (1.) loss of access; (2.) additional disciplinary action to be determined at the individual school in line with existing practice regarding inappropriate language or behavior, and (3.) legal action, when applicable.

Birmingham Public Schools

Policy Regarding the Legal and Ethical Use of Technology Resources and the Internet

INTERNET

Information from electronic sources alters the educational environment by opening unlimited resources. The intent of the Birmingham Public Schools is to provide access to resources available via the Internet with the understanding that faculty, staff, and students will access and use information that is appropriate for their various curricula. Resources which will be used in the classroom will be screened for content prior to their introduction. Students who are allowed independent access to the Internet will have the capability of accessing content that has not been screened. Internet access is provided to allow students to conduct research and to communicate with others. Students will gain access to the Internet by agreeing to conduct themselves in a considerate and responsible manner and by providing the written permission of parents.

All school rules and guidelines for appropriate technology usage shall apply to usage of the Internet. Because communications on the Internet are, often, public in nature, all users should be careful to maintain appropriate and responsible communications.

To maintain system integrity and to insure that the system is being used responsibly, the Executive Director of Integrated Technology Programs and Services reserves the right to review all files and network communications.

All home pages will be reviewed by the Executive Director of Integrated Technology Programs and Services before being implemented and the Executive Director reserves the right to reject part or all of a proposed home page.

Students will be allowed to conduct independent research and communicate on the Internet upon the receipt of the appropriate permission forms. Permission is not transferable, and therefore, may not be shared.

Internet access is a privilege, not a right. All Internet users are expected to act in a considerate and responsible manner.

Birmingham Public Schools

Policy Regarding the Legal and Ethical Use of Technology Resources and the Internet

The following are not permitted on any Birmingham Public Schools Network or the Internet:

- sending, displaying, or downloading offensive messages or pictures
- using obscene language
- harassing, insulting, or attacking others
- damaging computers, computer systems, or computer networks (this includes changing workstation and printer configurations)
- violating copyright laws
- using other user's passwords
- trespassing in other user's files, folders, or work
- intentionally wasting limited resources

Birmingham Public Schools

TECHNOLOGY RESOURCES AGREEMENT

SCHOOL YEAR _____

STUDENT: _____

SCHOOL: _____

I understand that, as an Internet user, I am responsible for my actions and that I am responsible to act considerately and appropriately, in accordance with the following rules. When using any Birmingham Public Schools Technology Resources, including the Internet, I will not:

- send, display, or download offensive messages or pictures
- use obscene language
- harass, insult, or attack others
- damage computers, computer systems, or computer networks (this includes changing workstation and printer configurations).
- violate copyright laws
- use other users' passwords
- trespass in other users' files, folders, or work
- intentionally waste limited resources

I understand that any or all of the following sanctions could be imposed if I violate any of the policies and procedures regarding the use of Birmingham Public Schools Technology Resources, including the Internet.

1. Loss of access
2. Additional disciplinary action to be determined at the individual school in line with existing practice regarding inappropriate language or behavior.
3. Legal action, when applicable.

_____ My child has my permission to access the Internet under the supervision of his/her teacher. (elementary and secondary)

_____ My child has my permission to be an independent user (able to access resources and explore the Internet without teacher direction) of Internet resources provided by the Birmingham public Schools. (SECONDARY STUDENTS ONLY)

PARENT/GUARDIAN NAME: _____

PARENT/GUARDIAN SIGNATURE: _____, DATE _____

STUDENT SIGNATURE: _____, DATE _____

Please read, sign, detach, and return this form to your school Principal

Birmingham Public Schools

TECHNOLOGY RESOURCES AGREEMENT

SCHOOL YEAR _____

EMPLOYEE: _____

SCHOOL: _____

I understand that, as an Internet user, I am responsible for my actions and that I am responsible to act considerately and appropriately, in accordance with the following rules. When using any Birmingham Public Schools Technology Resources, including the Internet, I will not:

- send, display, or download offensive messages or pictures
- use obscene language
- harass, insult, or attack others
- damage computers, computer systems, or computer networks this includes (changing workstation and printer configurations)
- violate copyright laws
- use other users' passwords
- trespass in other users' files, folders, or work
- intentionally waste limited resources

I understand that any or all the following sanctions could be imposed if I violate any of the policies and procedures regarding the use of Birmingham Public Schools Technology Resources, including the Internet.

1. Loss of access
2. Additional disciplinary action to be determined at the individual school in line with existing practice regarding inappropriate language or behavior.
3. Legal action, when applicable.

EMPLOYEE NAME: _____

EMPLOYEE SIGNATURE: _____ DATE: _____

SUPERVISOR SIGNATURE: _____ DATE: _____

Please read, sign, detach, and return this form to your immediate supervisor.

INTERNET SAFETY POLICY

The Birmingham City Schools District is pleased to make available to students access to interconnected computer systems within the District and to the Internet, the world-wide network that provides various means of accessing significant educational materials and opportunities.

In order for the School District to be able to continue to make its computer network and Internet access available, all students must take responsibility for appropriate and lawful use of this access. Students must understand that one student's misuse of the network and Internet access may jeopardize the ability of all students to enjoy such access. While the District's teachers and other Staff will make reasonable efforts to supervise student use of network and Internet access, they must have student cooperation in exercising and promoting responsible use of this access.

Below is the Internet Safety Policy of the School District and the Data Acquisition Site that provides Internet access to the School District. Upon reviewing, signing, and returning this Policy as the students have been directed, each student will be given the opportunity to enjoy Internet access at School and is agreeing to follow the Policy. If a student is under 18 years of age, he or she must have his or her parents or guardians read and sign the Policy. The School District cannot provide access to any student who, if 18 or older, fails to sign and submit the Policy to the School as directed or, if under 18, does not return the Policy as directed with the signatures of the student and her/his parents or guardians.

Listed below are the provisions of your agreement regarding computer network and Internet use. If you have any questions about these provisions, you should contact the person that your School has designated as the one to whom you can direct your questions. If any user violates this Policy, the student's access will be denied, if not already provided, or withdrawn and he or she may be subject to additional disciplinary action.

I. PERSONAL RESPONSIBILITY

By signing this Policy, you are agreeing not only to follow the rules in this Policy, but are agreeing to report any misuse of the network to the person designated by the School for such reporting. Misuse means any violations of this Policy or any other use that is not included in the Policy, but has the effect of harming another or his or her property.

II. TERM OF THE PERMITTED USE

A student who submits to the School, as directed, a properly signed Policy and follows the Policy to which he or she has agreed will have computer network and Internet access during the course of the school year only. Students will be asked to sign a new Policy each year during which they are students in the School District before they are given an access account.

III. ACCEPTABLE USES

A. Educational Purposes Only.

The School District is providing access to its computer networks and the Internet for educational purposes only. If you have any doubt about whether a contemplated activity is educational, you may consult with the person(s) designated by the School to help you decide if a use is appropriate.

B. Unacceptable Uses of Network.

Among the uses that are considered unacceptable and which constitute a violation of this Policy are the following:

1. uses that violate the law or encourage others to violate the law. Don't transmit offensive or harassing messages, offer for sale or use any substance the possession or use of which is prohibited by the School District's Student Discipline Policy, view, transmit or download pornographic materials or materials that encourage others to violate the law, intrude into the networks or computers of others, and download or transmit confidential, trade secret information, or copyrighted materials. Even if materials on the networks are not marked with the copyright symbol, you should assume that all materials are protected unless there is explicit permission on the materials to use them.
2. uses that cause harm to others or damage to their property. For example, don't engage in defamation (harming another's reputation by lies), employ another's password or some other user identifier that misleads message recipients into believing that someone other than you is communicating or otherwise using her/his access to the network or the Internet, upload a worm, virus, "trojan horse," "time bomb" or other harmful form of programming or vandalism, participate in "hacking" activities or any form of unauthorized access to other computers, networks, or information systems.
3. uses that jeopardize the security of student access and of the computer network or other networks on the Internet. For example, don't disclose or share your password with others, don't impersonate another user.
4. uses that are commercial transactions. Students and other users may not sell or buy anything over the Internet. You should not give others private information about you or others, including credit card numbers and social security numbers.

C. Netiquette. All users must abide by rules of network etiquette, which include the following:

1. Be polite. Use appropriate language. No swearing, vulgarities, suggestive, obscene, belligerent, or threatening language.
2. Avoid language and uses which may be offensive to other users. Don't use access to make, distribute, or redistribute jokes, stories, or other material which is based upon slurs

or stereotypes relating to race, gender, ethnicity, nationality, religion, or sexual orientation.

3. Don't assume that a sender of e-mail is giving his or her permission for you to forward or redistribute the message to third parties or to give his/her e-mail address to third parties. This should only be done with permission or when you know that the individual would have no objection..

4. Be considerate when sending attachments with e-mail (where this is permitted). Be sure that the file is not too large to be accommodated by the recipient's system and is in a format which the recipient can open.

IV. INTERNET SAFETY

A. General Warning; Individual Responsibility of Parents and Users.

All users and their parents/guardians are advised that access to the electronic network may include the potential for access to materials inappropriate for school-aged pupils. Every user must take responsibility for his or her use of the computer network and Internet and stay away from these sites. Parents of minors are the best guide to materials to shun. If a student finds that other users are visiting offensive or harmful sites, he or she should report such use to the person designated by the School.

B. Personal Safety.

Be safe. In using the computer network and Internet, do not reveal personal information such as your home address or telephone number. Do not use your real last name or any other information which might allow a person to locate you without first obtaining the permission of a supervising teacher. Do not arrange a face-to-face meeting with someone you "meet" on the computer network or Internet without your parent's permission (if you are under 18). Regardless of your age, you should never agree to meet a person you have only communicated with on the Internet in a secluded place or in a private setting.

C. "Hacking" and Other Illegal Activities.

It is a violation of this Policy to use the School's computer network or the Internet to gain unauthorized access to other computers or computer systems, or to attempt to gain such unauthorized access. Any use which violates state or federal law relating to copyright, trade secrets, the distribution of obscene or pornographic materials, or which violates any other applicable law or municipal ordinance, is strictly prohibited.

D. Confidentiality of Student Information.

Personally identifiable information concerning students may not be disclosed or used in any way on the Internet without the permission of a parent or guardian or, if the student is 18 or over, the permission of the student himself/herself. Users should never give out private or confidential information about themselves or others on the Internet, particularly credit card numbers and Social Security numbers. A supervising teacher or administrator may authorize the release of

directory information, as defined by Ohio law, for internal administrative purposes or approved educational projects and activities.

E. Active Restriction Measures.

The School, either by itself or in combination with the Data Acquisition Site providing Internet access, will utilize filtering software or other technologies to prevent students from accessing visual depictions that are (1) obscene, (2) child pornography, or (3) harmful to minors. The School will also monitor the online activities of students, through direct observation and/or technological means, to ensure that students are not accessing such depictions or any other material which is inappropriate for minors.

Internet filtering software or other technology-based protection systems may be disabled by a supervising teacher or school administrator, as necessary, for purposes of bona fide research or other educational projects being conducted by students age 17 and older.

The term "harmful to minors" is defined by the Communications Act of 1934 (47 USC Section 254 [h][7]), as meaning any picture, image, graphic image file, or other visual depiction that:

- taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
- depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals;
- taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

V. PRIVACY

Network and Internet access is provided as a tool for your education. The School District reserves the right to monitor, inspect, copy, review and store at any time and without prior notice any and all usage of the computer network and Internet access and any and all information transmitted or received in connection with such usage. All such information files shall be and remain the property of the School District and no user shall have any expectation of privacy regarding such materials.

VI. FAILURE TO FOLLOW POLICY

The user's use of the computer network and Internet is a privilege, not a right. A user who violates this Policy, shall at a minimum, have his or her access to the computer network and Internet terminated, which the School District may refuse to reinstate for the remainder of the student's enrollment in the School District. A user violates this Policy by his or her own action or by failing to report any violations by other users that come to the attention of the user. Further, a user violates this Policy if he or she permits another to use his or her account or password to access the computer network and Internet, including any user whose access has been denied or terminated. The School District may also take other disciplinary action in such circumstances. If the School District intends to impose any discipline other than revoking privileges for the remainder of the school year, the user will be afforded appropriate due process.

VII. WARRANTIES/INDEMNIFICATION

The School District makes no warranties of any kind, either express or implied, in connection with its provision of access to and use of its computer networks and the Internet provided under this Policy. It shall not be responsible for any claims, losses, damages or costs (including attorney's fees) of any kind suffered, directly or indirectly, by any user or his or her parent(s) or guardian(s) arising out of the user's use of its computer networks or the Internet under this Policy. By signing this Policy, users are taking full responsibility for his or her use, and the user who is 18 or older or, in the case of a user under 18, the parent(s) or guardian(s) are agreeing to indemnify and hold the School, the School District, the Data Acquisition Site that provides the computer and Internet access opportunity to the School District and all of their administrators, teachers, and staff harmless from any and all loss, costs, claims or damages resulting from the user's access to its computer network and the Internet, including but not limited to any fees or charges incurred through purchases of goods or services by the user. The user or, if the user is a minor, the user's parent(s) or guardian(s) agree to cooperate with the School in the event of the School's initiating an investigation of a user's use of his or her access to its computer network and the Internet, whether that use is on a School computer or on another computer outside the School District's network.

VIII. UPDATES

Users, and if appropriate, the user's parents/guardians, may be asked from time to time to provide new or additional registration and account information or to sign a new Policy, for example, to reflect developments in the law or technology. Such information must be provided by the user (or her/his parents or guardian) or such new Policy must be signed if the user wishes to continue to receive service. If after you have provided your account information, some or all of the information changes, you must notify the person designated by the School to receive such information.



STUDENT'S AGREEMENT

Every student, regardless of age, must read and sign below.

The signed student's agreement must be returned to the school before Internet access will be permitted.

I have read, understand and agree to abide by the terms of the foregoing Internet Safety Policy. Should I commit any violation or in any way misuse my access to the School District's computer network and the Internet, I understand and agree that my access privilege may be revoked and school disciplinary action and/or legal action may be taken against me.

Student name (PRINT CLEARLY)

Home phone

Student signature

Date

Address including zip code

User (place an "X" in the correct blank):

I am 18 or older _____ I am under 18 _____.

If I am signing this Policy when I am under 18, I understand that when I turn 18, this Policy will continue to be in full force and effect and agree to abide by this Policy.

Legal Reference: Children's Internet Protection Act of 2000 (H.R. 4577, P.L. 106-554)



PARENT'S OR GUARDIAN'S AGREEMENT

Student's name

*To be read and signed by parents or guardians of students who are under 18.
The signed parent's/guardian's (for students under 18 years of age) agreement must be returned to the school before Internet access will be permitted.*

As the parent or legal guardian of the above student, I have read, understand and agree that my child or ward shall comply with the terms of the School District's Internet Safety Policy for the student's access to the School District's computer network and the Internet. I understand that access is being provided to the students for educational purposes only. However, I also understand that it is impossible for the School to restrict access to all offensive and controversial materials and understand my child's or ward's responsibility for abiding by the Policy. I am therefore signing this Policy and agree to indemnify and hold harmless the School, the School District and the Data Acquisition Site that provides the opportunity to the School District for computer network and Internet access against all claims, damages, losses and costs, of whatever kind, that may result from my child's or ward's use of his or her access to such networks or his or her violation of the foregoing Policy. Further, I accept full responsibility for supervision of my child's or ward's use of his or her access account if and when such access is not in the School setting. I hereby give permission for my child or ward to use the building-approved account to access Birmingham City Schools' computer network and the Internet.

Student name (PRINT CLEARLY)

Home phone

Student signature

Date

Address including zip code

Legal Reference: Children's Internet Protection Act of 2000 (H.R. 4577, P.L. 106-554)

**BIRMINGHAM BOARD OF EDUCATION
TELEPHONE/TECHNOLOGY USE POLICY**

The Board seeks to provide those tools that will allow employees to enhance instructional opportunities for children and ensure the safety of all school clientele. To this end, the administration is authorized to provide technological equipment within classroom settings. This equipment includes but is not limited to: telephone, data, radio, and video communications equipment and services, voice and data circuits (both public and proprietary), microwave systems, long distance services, coin operated telephones, cellular telephones, pagers, fax machines, computers, and any telecommunications related software or devices to be attached to the above. All such equipment must be used to facilitate the goals and objectives of the school district.

Employees are urged to use sound judgment and professional integrity as it becomes necessary to engage in communications, information dissemination, data gathering or other activities that require the use of technological equipment.

Administrative regulations shall be developed by the administration to effectively implement this policy.

Period of Quiet Reflection

The Birmingham Public Schools

Students enrolled in Birmingham City Public Schools shall be afforded the opportunity for a brief period of reflection at the beginning of each school day in every classroom; This period of reflection should occur for not more than one (1) minute and may not be conducted as religious service or exercise. Teachers, administrators, other school personnel or visitors may not interfere with this period of reflection.

Student initiated voluntary school prayer is allowable at school or school related events which are non-sectarian and non-proselytizing in nature.

October 9, 1998

BIRMINGHAM BOARD OF EDUCATION

SUPPORTIVE SERVICES

SERIES 8000

HEALTH

A safe and healthful environment shall be provided to assist each student in deriving maximum benefit from the educational program.

The Board shall provide appropriate instructional health programs for all students, and shall cooperate with local health agencies in meeting the special needs of the individual student.

Special emphasis shall be placed on providing a health program that will equip young people with the necessary knowledge for making wise and intelligent decisions for healthful living.

TOBACCO FREE ENVIRONMENT

The Board declares all buildings operated by the Board, and all spaces within them, to be officially designated tobacco-free environments due to the negative health impact on nonsmokers by others who smoke. Smoking and other tobacco use shall be prohibited on school system property, all school sponsored events at any time and/or on school vehicles at all times.

This policy shall apply to each employee, student and visitor. "No smoking" signs shall be placed prominently throughout the buildings on school system property and vehicles.

DISCIPLINARY ACTIONS EMPLOYEE

1st Offense:

Disciplinary Action Supervisor and/or principal will inform the superintendent in writing of the violation.

Consequence The superintendent will write a letter of reprimand, with a copy given to the employee and the original placed in the employee's personnel folder at Central Office.

2nd Offense:

Disciplinary Action Supervisor and/or principal will inform the superintendent, in writing of the violation.

Consequence The superintendent will write a letter of reprimand, which includes a statement requiring the mandatory attendance and completion of our district's Employee Assistance Program (EAP). A copy of this letter will be given to the employee and the original placed in the employee's personnel folder in the Central Office.

3rd Offense:

Disciplinary Action Supervisor and/or principal will inform the Superintendent, in writing of the violation.

Consequence The Superintendent will make a recommendation of disciplinary action to the Board of Education, which may

include, but is not limited to termination of employees employment with the school district (Reference to Title 16, The Code of Alabama).

DISCIPLINARY ACTIONS

Students

Disciplinary Action Possession and/or use of tobacco products – Having and/or using tobacco products, including the possession of cigarette rolling papers, on the school premises.

Consequence Class II – Intermediate Offense (Reference to code 2.04 outlined in Policy 8111 (Birmingham City Schools Code of Student Conduct).

DISCIPLINARY ACTIONS

Visitors

Disciplinary Action The visitor will be asked to cease the tobacco usage immediately.

Consequence Parents and other persons in violation of this policy will be asked to leave the premises. If they refuse, the school district’s security officer will be contacted immediately to escort the visitor from the school premises. School officials will be expected to sign an arrest warrant for any person failing to comply to the request of the district’s security officer.

LEGAL REF: The Code of Alabama 16-1-30, 16-12-5; The Alabama Administrative Code; 290-030-010-06

ADMINISTRATION OF MEDICATION GUIDELINES

School personnel will not administer medication to a student unless the student's physician authorizes school personnel to administer the medication and the parents or legal guardians have signed the School Medication Prescriber/Parent Authorization. The parent or legal guardian is responsible for the annual renewal of the School Medication Prescriber/Parent Authorization. The parent or legal guardian is also responsible for having the School Medication Prescriber/Parent Authorization completed by the physician authorizing school personnel to administer the medication. The School Medication Prescriber/Parent Authorization should include:

1. Student's name
2. Diagnosis
3. Name of medication
4. Time or times to administer the medication
5. Amount of medication
6. Date to discontinue medication
7. Physician's signature
8. Additional physician authorization signed statements will be necessary if the dosage of medication is changed

In collaboration with the school principal, the licensed school nurse will designate the unlicensed school personnel to assist with medication administration in the school setting. Each delegated unlicensed person will be required to attend annual mandatory training sessions provided by the Department of Child Health. The principal must attend medication administration training sessions. The parent or legal guardian is responsible for getting the medication to the school. All medications must be in a proper container with a label from the pharmacy that states the following:

1. Student's name
2. Name of medication
3. Time of administration
4. Method of administration
5. Prescription number
6. Name of pharmacy

Medication must be stored in a securely locked clean container or cabinet unless the prescriber authorizes a different arrangement (e.g., asthma inhalers) for specific students. An Unusual Occurrence Report form will be available for school personnel to keep a record for the school nurse in the event of unusual circumstances surrounding medication administration.

ACQUIRED IMMUNE DEFICIENCY SYNDROME (AIDS)

The most recent guidelines and recommendations from the Center for Disease Control and the Alabama Department of Public Health shall be followed when a student or employee has been diagnosed as having Acquired Immune Deficiency Syndrome (AIDS). Inservice training relative to (AIDS) shall be conducted for school system employees.

IMMUNIZATION POLICY

The Birmingham City School District requires all students enrolled to comply with immunization requirements of the State Statute 16-30-1, et. Seq. (General provision 420-6-1) of the Code of Alabama.

- A. Students shall be required to present evidence of compliance on an approved form provided by the Alabama Department of Public Health.
- B. The Superintendent and the principal of each school have the authority to exclude children from attendance in kindergarten through the twelfth grade for failure to comply with immunization laws.

SAFETY

The Safety and well-being of each child are major concerns of the Board. In addition to providing a safe environment, school personnel are expected to cooperate with the Birmingham Traffic Engineering Department and other appropriate authorities in planning and implementing safety regulations. School personnel shall develop emergency procedures for evacuating schools in the case of fires and for providing shelter from tornadoes. School personnel shall encourage students to participate in school programs which promote safety attitudes and skills. School personnel shall adhere to the Alabama State Department of Education Safety Administration Code policies and procedures as well as the Birmingham City Schools Career/Technical Education Safety/Liability Procedures/Guidelines.

PHYSICAL EDUCATION

The Board will offer to all students a program of physical education and intramural activities that will promote and maintain each individual's sound physical growth and feeling of well-being. Every effort will be made to develop skills and motivate students in an enjoyable program of sports participation and muscular development.

GUIDANCE PROGRAMS

Guidance and counseling services are an integral part of the educational program. It shall be the aim of the guidance department to offer comprehensive guidance services to individuals and to groups in grades K-12. The guidance delivery system shall emphasize personal/social growth, educational planning, and career/vocational development with the goal of assisting students to achieve their maximum potential.

Confidentiality shall be observed in all counselor-staff/student/parent relations. Counselors shall abide by the American School Counselors Association Code of Ethics, The Guidance and Counseling State Plan for Excellence in Alabama's Public Schools, and the Comprehensive Guidance and Counseling Plan for Birmingham Public Schools.

SPECIAL EDUCATION

Free appropriate education shall be provided for those children who vary physically, mentally or emotionally to such an extent that they require special education services in order to reach their potential. Eligible children shall be identified through careful screening and classification procedures. Due process procedures shall be carefully followed in all actions relating to exceptional children.

The special education program in the Birmingham schools shall comply with the laws and regulations of the United States of America and of the State of Alabama and shall follow the policies and procedures outlined by the Alabama State Department of Education pertaining to the education of handicapped children.

An individual education program (IEP) shall be developed for each exceptional student in accordance with Local, State and Federal regulations. The IEP shall outline the educational program which the school must provide. Once the IEP is developed, any changes (including those resulting from scheduling conflicts, course cancellations, behavior problems, etc.) shall be made by the IEP committee.

ATTENDANCE

The Board shall encourage regular student attendance through the provision of an effective and attractive instructional program, one relevant to productive and harmonious living. Every child between the ages of seven and 16 is required to attend school in accordance with Section 16-28-3, Code of Alabama, 1975, unless otherwise exempted by the Superintendent as provided in Section 16-28-6, Code of Alabama, 1975. Teachers shall maintain accurate records of each student's attendance.

SCHOOL ADMISSION

The Birmingham Board of Education has established school attendance zones and students will be admitted to the school in which their parent or legal guardian resides.

Kindergarten or first grade students seeking admission must adhere to the September 1 (2)* rule as established by state law with the exception of those special circumstances permitted by state law.

No child shall be admitted to kindergarten or first grade until the parent/guardian:

- Presents an official birth certificate which indicates the child is eligible to enroll.
- Presents proof that the child has received all required immunizations or presents written documentation from the Health Department that the child is exempt from such immunization based on religious or health concerns.

Before being admitted to a Birmingham City School, all students seeking admission in grades K-12 shall be required to present:

1. Verification of birth date
2. Immunization record
3. Proof of residence
4. Social Security Card

The Board authorizes the Superintendent and/or his designee(s) to make appropriate exceptions to these admission requirements as warranted for homeless, migrant, immigrant, and limited English proficient students.

*Ref: No Child Left Behind Act, 2001 (P.L. 107-110), AL Code (1975) §16-28-4, "Interpretation based on Report of Attorney General of Alabama, October-December, 1963, Volume 113, page 20.

STUDENT TRANSFERS

The approval and disapproval of all student transfer requests, including those for transfers into Magnet School Programs, will be the responsibility and authority of a Transfer Committee appointed by the Superintendent.

The criteria for approval or rejection of transfer requests will be designed to foster the maintenance of the unitary school system as achieved and declared in Armstrong and United States v. Birmingham Board of Education, the promotion of the educational policies of the Birmingham School System, and the accommodation of the capacities of schools in the System. The Superintendent shall adopt regulations which will prescribe those criteria.

INTER-DISTRICT STUDENT TRANSFERS

Students residing outside the city of Birmingham must obtain written permission from the Superintendent of their home district and the Superintendent of the Birmingham Board of Education to enroll in a Birmingham City School. These students must pay tuition according to the current rate structure established by the Birmingham City Board of Education. In the case of an exceptional student, the school system from which the student is transferring will agree to pay tuition based on the actual cost of educating the exceptional student. Students failing to pay the prescribed tuition charges will not be allowed to continue attending a Birmingham City School and will not be awarded credit for courses taken. These charges must be paid one month in advance.

Students residing in the City of Birmingham, likewise, must obtain written permission from the Superintendent of the Birmingham City Schools, as well as permission from the Superintendent of the district to which transfer is sought, in order to enroll in a public school outside the Birmingham Public School System.

The transfer of a Birmingham student to another school system, or the transfer of a student from another school system to a school in the Birmingham School System, will not be approved if the transfer will adversely effect the efforts to integrate the Birmingham School from or to which the transfer is sought.

CHILD NUTRITION PROGRAMS

The Birmingham Board of Education shall operate a Child Nutrition program that meets the educational and nutritional needs of students. The program shall operate in accordance with standards established by the State Department of Education, the United States Department of Agriculture and the Birmingham Board of Education.

CHARGED MEAL POLICY

Each student or adult obtaining a school meal or ala carte items must have a valid Personal Identification Number (PIN) or cash in hand for presentation to the cashier. Adult meals may not be charged under any circumstances. Birmingham City Schools will allow the charging of student meals that meet the following criteria:

All K-12 students who do not have adequate funds to purchase a meal may, with written authorization of the principal or his/her designee, charge a meal or meals up to the equivalent of two full price lunch meals. Principals are required to establish a budgeted cash fund totaling \$300.00 from non-public funds (PTA, clubs, etc.). Students may borrow from this fund the monies needed for the meal(s), with the approval of the school principal or his/her designee. Parents or guardians of students who charge meals under this policy will be responsible for reimbursing the fund for all charges. Reimbursement for charges must be collected by the end of the following month, not to exceed the academic year. Documentation of all charges and collection efforts must be properly maintained by each school office according to District accounting procedures.

BIRMINGHAM CITY SCHOOLS

APPROVED: 05-06-97
REVISED: 03-24-09
REVISED: 06-12-12

REPLACEMENT OF LOST OR STOLEN TICKETS

In schools which use tickets, each student will receive three replacements of lost or stolen tickets without penalty. Upon loss of the third replacement ticket, the student will be required to pay the amount of \$1.00 for the fourth replacement and for any subsequent replacement tickets. The failure to present a ticket to the cashier will result in the cost of a full paid meal being assessed to the student. Documentation of the students who habitually lose tickets must be maintained and the parent/guardian notified in writing upon the loss of the second and third replacement tickets. Exceptions to this policy are listed below:

Elementary age children up through Grade 3 or handicapped children who lose a ticket shall be allowed to obtain a meal according to the approved status of the child. Special arrangements may be made in order to provide these children with a meal. This includes a special roster which lists the child and his/her eligibility, a special place or system for the storage of the child's ticket, or the written authorization of the principal, food service director, or his/her designee. Under no circumstances shall the overt identification of the eligibility status of these children be made.

APPROVED: May 6, 1997

**REMOVAL OF FOOD, SUPPLIES, AND EQUIPMENT FROM SCHOOL
PROPERTY**

- A. No food, cooked or uncooked, leftover, or garbage is to be taken from the premises of the school without written permission of the Child Nutrition Director. The removal of any supplies or equipment from the area of the Child Nutrition Program is also prohibited.

- B. No food, supplies, equipment, or services are to be purchased by employees for individual use during the school day from any vendor. Purchases of this sort are prohibited by the Alabama State Sales Tax Code of 1975, Section 40 and the Alabama Ethics Commission (36-25-5A).

APPROVED: May 6, 1997

**VENDING MACHINES
NUTRITION POLICY**

The Birmingham Board of Education realizes that proper nutrition enhances students' learning abilities and provides a healthier preparation for adulthood. The board supports the principles of proper nutrition and believes that support must be a system wide commitment. Therefore, it is the policy of the Birmingham City School System to contract for, supervise, maintain and account for the proceeds from vending machines in Birmingham City Schools facilities in a manner that is fair, that maximizes the revenues from those machines, that allows those revenues to be included in the budget of the facility in which they are generated, and that establishes controls to avoid fraud, theft or the appearance of impropriety. The system shall establish guidelines and procedures for the placement of vending machines and use of the profits generated by same.

Automatic vending machines for the dispensing of food, beverages or other approved items are authorized, provided that all contracts for such vending machines are acquired by competitive bidding according to the bid law of the State of Alabama and must be approved by the Birmingham Board of Education. All Birmingham City School facilities, departments, principals, etc., must submit a letter of application requesting vending services for their school to the Superintendent or his/her designee.

**Birmingham City Schools
Hazard Analysis and Critical Control Point (HACCP)
Policy**

Birmingham City Schools, in accordance with section 111 of Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) that amended section 9(h) of the Richard B. Russell National School Lunch Act will implement a food safety program for the preparation and service of school meals served to children in the school year beginning by July 1, 2005. The program must be based on Hazard Analysis and Critical Control Point (HACCP) and operate at all food service sites.

WELLNESS POLICY

The Birmingham Board of Education realizes that childhood wellness is essential for academic success. Research indicates that becoming physically active and maintaining a regular physical activity program and access to nutritious foods reduces the risk of obesity and other associated diseases. Therefore it is the policy of the board to:

- a. Provide students access to nutritious food choices;
- b. Provide opportunities for physical activity and developmentally appropriate exercise;
- c. Provide accurate information related to these topics; and
- d. Encourage the development and implementation of wellness activities for students, families and district employees.

INTENT

Birmingham City Schools and the Birmingham Board of Education will ensure that comprehensive district-wide wellness regulations and implemented that include goals for nutrition, health and physical fitness, integrated within the sequential, comprehensive health education curriculum, and coordinated with the system's departments of curriculum and instruction, staff development, physical operations, child health, family involvement, guidance and counseling, and food services operations.

The school nutrition program will operate in accordance with the National School Lunch Act and the Child Nutrition Act of 1996 as amended and applicable laws and regulations of Alabama. School will offer varied and nutritious food choices that are consistent with the federal government's Dietary Guidelines for Americans.

The superintendent or designee will establish measures to evaluate the compliance and implementation of the wellness policy and activities.

ANTI-DISCRIMINATION POLICY/STUDENT OPPORTUNITIES

There shall be no discrimination of any form against any student by reason or race, gender, sexual orientation, religion, national origin, or disability. Moreover, equal educational opportunities for all students shall be provided by the Board without regard to any student's race, gender, sexual orientation, religion, race, national origin, or disability.

STUDENT TRANSPORTATION SERVICES AND PROCEDURES

Regular School Bus Service – Students who live two or more miles from the school to which they have been assigned by the Board of Education will be provided school bus service. Any exception to the two-mile rule must be recommended by the Superintendent, approved by the Board of Education, and waived by the State Superintendent of Education. Parents are responsible for providing transportation for children living less than two miles from school, voluntarily transferring to another school, or suspended to an alternative school.

Special School Bus Service – Special education students have the right to utilize regular school bus services unless individualized needs require other services. Special Education transportation may be provided for students with disabilities based on unique needs of the student. An Individualized Education Program (IEP) Committee will identify the unique needs and document the need for special school bus/transportation services. Parents will be reimbursed if they waive special school bus service and agree to transport their own children.

Student Behavior – The *Birmingham City Schools Code of Student Conduct* applies to all students utilizing any school bus service. Bus drivers must document misbehavior and report it to school principals. Principals are responsible for correcting misbehavior or problems that occur on school buses. An IEP team must be convened to address behavior issues of students with disabilities.

Charter School Bus Service – Limited charter services for school related activities on system-owned school buses may be provided for a full-cost fee. Only enrolled students, teachers, Board of Education employees, and adult chaperones can be transported on school buses. Licensed commercial carriers may also be used. Passenger vans shall not be used to transport students.

Safety – School principals must provide a safe location with adequate supervision for loading and unloading of school buses and cars. School bus drivers shall conduct at least two bus evacuation drills each school year. School bus drivers must maintain certifications and licenses required by the State of Alabama.

Fairness – The Transportation Department will implement this policy fairly, equally, and without favoritism to any individual, community, or school.

The Superintendent will set charter fees, determine rate for reimbursements to parents performing special needs transportation, and publish guidelines for all services.

STUDENT INVOLVEMENT

Students are encouraged to participate actively in the affairs of their schools and communities. To the greatest extent possible, students shall be provided opportunities to assume leadership roles in the conduct of school affairs.

STUDENT DISCIPLINE AND BEHAVIOR

The board believes that all students have a right to learn in a safe and orderly environment based upon the principles of respect and consideration for the rights of others. The board also believes that students learn best when behavior and student conduct are maintained on a regular basis. To that end, the board adopts policy number 8111, Birmingham City Schools' Code of Student Conduct , as its policy on student discipline and behavior.

STUDENT GRIEVANCES

Any student or a student's parent or guardian on the student's behalf, has the right to express a grievance related to school matters if the student believes the student has been treated unfairly or in a manner contrary to federal or state law, Board policy or the Board's administrative regulations.

The student shall first attempt to resolve the matter at the local school level and shall be offered an impartial review by the principal or his designee.

Concerns not resolved to the satisfaction of the student or the student's parent or guardian at the local school level, may be appealed to the appropriate Central Office administrator authorized to provide an impartial hearing and make a determination in accordance with procedures prescribed by the Superintendent.

**CORPORAL PUNISHMENT ADMINISTRATIVE POLICY
NUMBER 8130**

It is the goal of the Birmingham Board of Education to ensure that students be allowed to learn in a safe classroom setting where order and discipline are maintained. Every child in the Birmingham Public School System is entitled to have access to a program of instruction which gives him or her the right to learn in a non-disruptive environment. No student has a right to be unruly in his or her classroom to the extent that such disruption denies fellow students of their right to learn. The teacher in each classroom is expected to maintain order and discipline.

The Birmingham Board of Education does not allow the use of corporal punishment as an appropriate means of discipline. Teachers, however, are given the authority and responsibility to use other appropriate means of discipline as are articulated in the revised corporal punishment administrative regulation.

June 29, 1998

POSSESSION OF WEAPONS AND FIREARMS BY STUDENTS

Weapons and Firearms Defined

student shall be permitted to have any weapon or firearm on school property at any time. (Refer to code 3:09 and/or 3:10 outlined in Policy 8111 (Birmingham City Schools Code of Student Conduct))

Discipline Measures

If a student is found to be in possession of a weapon or firearm or a reasonable facsimile of a firearm, and presents it as a real firearm, he/she shall be automatically referred to the Board for disciplinary action. If it is determined by the Board that the student was in possession of a real firearm on school property, to include property not owned by the School System but where an official school sponsored activity is held, said student shall be expelled from school for not less than (1) calendar year, date to date. The Superintendent may modify such requirements for a student on a case-by-case basis. This expulsion is in compliance with the requirements of the Public Law 103-382; Improving America's Schools Act of 1994; Part F. Section 14601, Gun-Free Requirements and Alabama Legislative Acts.

Further, in accordance with Public Law 103-382; Improving America's Schools Act of 1994; Part F. Section 14601, gun-Free Requirements, any student determined by the Board to have brought a weapon or firearm on school property as defined above shall be referred to the criminal justice or Juvenile Court System.

Suspension of Driver's License for Firearm Possession-In accordance with Legislative Act 94-820, a student under 19 years of age may have his/her driver's licenses suspended for possession of a firearm on school premises.

Alabama Law

Possession of a Weapon is a Class C Felony-In accordance with Legislative Act 94-817, possession of a deadly weapon on school premises with intent to do bodily harm is a Class C felony.

Special Education Students: Requirements for special education students for alternative educational programs will be met. (Reference to Special Education Requirements)

LEGAL REF: Sec. 1702, Gun-free School Zone Act of 1990, 18 U.S. Code 921; Public Law 103-382; "Improving America's Schools Act of 1994," Part F, Section 14601, Gun-Free Requirements; Legislative Act 94-820, 94-817

COMMUNITY SCHOOLS POLICY

The Birmingham Board of Education recognizes and supports the concept of Community Schools and Community Education.

The Board sees education as a continuous process throughout life and supports the position that the school system should cooperate with other community agencies which provide health, educational, cultural and recreational opportunities for all its citizens.

The Board believes that through community involvement in the educational process all phases of education can be achieved more successfully.

I. STATEMENT OF POLICY

All elementary, middle, and high school students in Birmingham Public Schools shall within the parameters set forth below, implement the mandatory uniform policy beginning in August 1996.

II. CONDITIONS OF POLICY

Students are expected to dress in proper uniform attire. It will be the parents' responsibility to ensure compliance with the uniform dress policy. All students who attend Birmingham Public Schools must be in uniform.

1. All students will wear the designated school system attire. The clothing may not be altered by slits, cuts, holes, shredded hems, slashes, etc.

MANDATED ATTIRE - GRADES K-8

The designated uniform for students in grades K-8 shall be:

- Males:**
- **Solid white shirt with collar.** No logos on the shirt. This may be a knit shirt, dress shirt, turtleneck, or mock turtleneck.
 - **Navy blue or black pants, "walking" length shorts limited to 2" above the knee (NO DENIM);**
 - **Sweaters - V-neck style, crew neck style, cardigan.** No logos on the sweater. Colors - Navy blue, white.

- Females:**
- **Solid white collared blouse.** No logos on the blouse. This may be a knit shirt, blouse, turtleneck, or mock turtleneck.
 - **Navy blue or black pants, skirts, jumpers, "walking" length shorts limited to 2" above the knee (NO DENIM);**
 - **Sweaters - V-neck style, crew neck style, cardigan.** No logos on the sweater. Colors - Navy blue, white.

MANDATED ATTIRE - Grades 9-12

The designated uniform for students in grades 9-12 shall be:

- Males:**
- **Solid white or light blue shirt with collar.** No logos on the shirt. This may be a knit shirt, dress shirt, turtleneck, or mock turtleneck.
 - **Navy blue, black, or khaki pants, "walking" length shorts limited to 2" above the knee (NO DENIM);**
 - **Sweaters - V-neck style, crew neck style, cardigan.** No logos on the sweater. Colors - Navy blue, white.

- Females:**
- **Solid white or light blue collared blouse.** No logos on the blouse. This may be a knit shirt, blouse, turtleneck, or mock turtleneck.
 - **Navy blue, black, or khaki pants, skirts, jumpers, "walking" length shorts limited to 2" above the knee (NO DENIM);**
 - **Sweaters - V-neck style, crew neck style, cardigan.** No logos on the sweater. Colors - Navy blue, white.

2. Jogging suits/pant suits, warm-up suits, and sweat suits are not permitted. Knit, nylon, spandex, biking, and gym shorts or pants are not permitted. Spandex, nylon, or other tightly fitting clothing is not allowed.
3. Pants worn below the waist and over-sized uniforms are prohibited. Overalls are not permitted.

BIRMINGHAM PUBLIC SCHOOLS UNIFORM DRESS POLICY

4. Belts must be worn with pants if the pants include belt loops.
 5. Skin tight clothing or body dresses are not permitted.
 6. Tank tops, mesh shirts, halter tops, tube tops, midriff tops, and sleeveless shirts or sleeveless tops are not permitted.
 7. Pants may not have cuts, slits, holes, slashes or expose the skin in any manner.
 8. Shirts and blouses must be tucked in at all times in such manner that the waist is visible.
 9. No undergarments may show.
 10. Girls may wear black or blue shorts underneath their skirts provided they do not show.
 11. Hats, caps, bandanas, scarves, or head coverings are not permitted.
 12. Sunglasses are not permitted.
 13. Predominately black, brown, navy blue, or white shoes (including, but not limited to athletic shoes) should be worn. High-priced, brand name shoes are not recommended.
 14. Shoes and socks must be worn at all times. Full length tights and knee-high socks/tights are acceptable for girls. Footless leggings are not permitted to be worn under skirts or shorts.

For safety and health reasons, students are to wear covered shoes. Ankle socks are not permitted. Thongs, slippers, sandals (with open toes and heels) and bare feet are not permitted. Shoes which include buckles or laces must be laced or buckled at all times.
 15. Clothing or any item bearing any type of offensive, lewd, vulgar, obscene language, slogans, or pictures are not permitted.
 16. Clothing or accessories that makes reference to or identifies with gangs or gang-related activity are not permitted.
 17. Any buttons, jewelry, and other accessories which contain vulgar, lewd, obscene, or plainly offensive messages or which may lead to substantial interference with school activities, including accessories which advocate the use of alcohol or drugs, are not permitted.
 18. Secret society, fraternity, or sorority symbols or lettering are not permitted to be displayed or worn.
 19. Rollers, combs, and cosmetology wave clamps are not permitted to be worn in hair.
 20. Pouches may not be worn.
 21. The principal on occasion will allow a "casual, dress down" or special day of attire due to a special program or activity where students may wear clothing other than the prescribed uniform. If the curriculum suggests special attire, the teacher must notify the administration in advance of the activity to request approval. Students and parents will be notified in advance of school-wide, system-wide, or individual class activities.
- III. No student shall be considered noncompliant with the policy in the following instances:
- a. When noncompliance derives from financial hardship.
 - b. When noncompliance derives from a disability.
 - c. When wearing a uniform violates a student's sincerely held religious belief.
- IV. If the parents or guardians desire not to have their child comply with the *Birmingham Public Schools Uniform Dress Policy* for the reasons set forth in Section III a-c above or due to special extenuating circumstances related to an item in Section II #2-21, the student's parents or guardians must secure an exemption form from their child's school. Approval for the exemption must be granted by the local school administrator according to the guidelines set forth in the exemption section of the *Birmingham Public Schools Uniform Dress Policy* and in accordance with the information requested on the Exemption Form.

FAMILY INVOLVEMENT PROGRAM POLICY

The Birmingham Board of Education acknowledges and adheres to the federal guidelines of the "No Child Left Behind" (NCLB) Act of 2001. The Birmingham Board of education recognizes that the home is the child's first institution of learning and the family is the child's primary educator. Therefore, the Birmingham Board of Education encourages family involvement in the total educational process of the Birmingham City Schools children.

The Birmingham Board of Education recognizes the need for an open door, family-friendly atmosphere in each school conducive to developing a strong family and school partnership. The school staff will make parents and families feel they are a welcome part of the school family, and they have a vital role to play in their children's education.

The Birmingham Board of Education shall provide information and training to families through workshops, seminars, academies, parent-teacher conferences, volunteer training, special parent training classes and the family resource center.

The Birmingham Board of Education shall partner with the community to identify and implement resources to strengthen the academic quality of the schools.

The Birmingham Board of Education shall provide technical assistance and other necessary support to school staff in developing, planning and implementing comprehensive family involvement programs. Training will be provided for principals, teachers, other staff members and families to encourage working together as partners.

**UNANNOUNCED VISITS
BY LAW ENFORCEMENT AGENCIES**

To provide and maintain a safe and secure environment for students, staff and visitors, the Board supports the requirement of The Alabama Administrative Code, section 290-030-010-06, to permit law enforcement agencies to make periodic, unannounced visits to any school within the Birmingham City School System. These visits will be unannounced to anyone except the local superintendent and building principal. Such visits shall be for the purpose of detecting the presence of illegal drugs.

LEGAL REF: The Code of Alabama, 16-1-24-1; The Alabama Administrative Code, 290-030-010-06.

Birmingham City Schools

Approved: 3/11/03

ANTI-BULLYING/ANTI-HARASSMENT/ANTI-VIOLENCE POLICY

The safety and well being of all Birmingham City School students is a major concern of the Birmingham Board of Education. Bullying, harassment, violence and threats of violence by any student or employee against any other student or others shall not be tolerated. This policy strictly prohibits employees and/or students from discriminating against any student on the basis of a disability or any other characteristic.

Definitions:

- (1) **Harassment:** A continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, written, electronic, cyber, verbal, or physical acts that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic. Such characteristics may include, but are not limited to, sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background. To constitute harassment, a pattern of behavior may do any of the following:
 - a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
 - b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
 - c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
 - d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
 - e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- (2) **Hostile Environment:** The perception by an affected student or victim that the conduct of another student or employee constitutes a threat of violence or harassment and that the conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes harassment, threat of assault, or assault.
- (3) **Intimidation:** The act of making a student timid or fearful.
- (4) **Threat of violence:** Any behavior that by its very nature could be interpreted by a reasonable person as an intent to cause physical harm to another individual.

General Statement of Policy:

No student shall engage in or be subjected to harassment, intimidation, violence, or threats of violence on school property, on a school bus, or at any school-sponsored function by any other student or any school employee. In addition, no person shall engage in reprisal, retaliation, or false accusation against a victim, witness, or other person who has reliable information about an act of harassment, intimidation, violence, or threat of violence or who files a report regarding any such act. BCS prohibits bullying, harassment, and violence in all BCS. The Code of Student Conduct also lists expected behaviors of students including “respecting the rights and responsibilities of students.”

Complaints/Investigation:

Any student, or parent or guardian of the student, who is the object of or witness to harassment, intimidation, violence, threat of violence or threat of suicide may file a complaint outlining the details of the harassment on the Student Complaint Form for reporting Bullying, Harassment and Threat of Violence (“Complaint Form”), which is available in the principal’s office of every school. This form should be submitted to the school principal or his or her designee, or to the principal’s office, and may be submitted in person or by mail. This form may also be utilized to report any act of intimidation, threat of suicide, violence or threat of violence. It is the sole responsibility of the affected student, or the parent or guardian of the affected student, to report incidences of harassment or other violations of this policy.

Students who believe they have been bullied, harassed, or have been involved in an act of violence on campus, by a fellow student or by any school employee are encouraged to promptly report such incidents to the campus principal, counselor, or other campus professional. To the greatest extent possible, complaints shall be treated as confidential. Limited disclosure may be necessary to complete a thorough investigation.

A student or parent/guardian who has a complaint alleging bullying, harassment, and/or an act of violence may request a conference with the principal or the principal’s designee. If the student or parent/guardian is not satisfied with the response from the campus staff, they may request a conference with the Assistant Superintendent or designee. Complaints will be documented and investigated in accordance with the guidelines listed in the Code of Student Conduct, as well as those set forth in this policy.

Complaint Procedure:

- 1) Students and staff members will complete a Complaint Form available in the school’s main office.
- 2) The Complaint Form will be submitted to the principal or designee immediately.
- 3) The principal or designee will investigate complaints by meeting separately with each student and/or employee involved in the situation, as well as any witnesses that may have knowledge of the matters alleged.

- 4) The principal or designee will conference with the victim and parent/guardian to discuss safety and community resources.
- 5) The principal or designee will conference with the alleged perpetrator (and the parent/guardian of the alleged perpetrator if he/she is a student) to discuss appropriate behaviors and consequences. With the prior consent of the victim, the principal may issue a School-Based Stay-Away Agreement to the alleged perpetrator during the parent/guardian conference.
- 6) After reviewing all of the evidence presented, the principal shall make a determination regarding the merits of the alleged bullying, harassment, etc.
- 7) The victim and his/her parent/guardian shall be provided with the decision/findings of the principal within 15 working days after the complaint was filed.

Consequences for Violations of Policy:

Violations of this policy by students may be determined to be a Class I, II, or III violation of the Birmingham City Schools Code of Student Conduct, as determined by the Principal or his or her designee. Consequences for violation(s) of this policy shall follow the consequences for a Class I, II or III violation of the Code of Student Conduct, as appropriate. Punishment shall conform with applicable federal and state disability, antidiscrimination and educational laws. An anonymous report may not be the basis for imposing formal disciplinary action against a student.

If an employee is found to have violated this policy, immediate and appropriate corrective and disciplinary action, up to and including termination, may be taken. Discipline will also be enforced against supervisory and management personnel who knowingly allow such behavior to continue. Appropriate follow-up will be taken to ensure that the harassment, bullying, and/or other threatening behavior has stopped.

Reprisal or retaliation against any person who reports an act of intimidation, violence, threat of violence or harassment is prohibited. Furthermore, deliberately and/or recklessly falsely accusing another of conduct prohibited by this policy is prohibited. Any violation of these prohibitions may be determined to be a violation of this policy and/or the Code of Student Conduct and may be punished in accordance therewith.

Local School Requirements:

Each Birmingham City School shall do all of the following:

- (A) Develop and implement evidence-based practices to promote a school environment that is free of harassment, intimidation, violence, and threats of violence.
- (B) Develop and implement evidence-based practices to prevent harassment, intimidation, violence, and threats of violence based, at a minimum, on the criteria established by this policy, and to intervene when such incidents occur.

- (C) Incorporate into civility, citizenship, and character education curricula awareness of and sensitivity to the prohibitions of this policy against harassment, intimidation, violence, and threats of violence.
- (D) Report statistics regarding actual violence, submitted reports of threats of violence and harassment to the Superintendent, who will report the same to the Birmingham Board of Education.

Board Action:

The Birmingham Board of Education will provide statistics for the Birmingham City Schools as a whole and for each individual school to the State Department of Education for posting on the website of the State Department of Education. The identity of any student involved shall not be included in the information submitted to the State Department of Education.

Notification of Policy:

For the 2011-2012 school year, this policy shall be included as an addendum to the Code of Student Conduct, which shall be distributed to all students. For all years subsequent to the 2011-2012 school year, this policy shall be included as part of the Code of Student Conduct, which shall be distributed to all students on an annual basis.