



**ALABAMA
SCHOOL OF
FINE ARTS**

PUBLIC EDUCATION WITH PASSION

POLICY MANUAL

The Alabama School of Fine Arts does not discriminate on the basis of race, color, national origin, sex, disability, religion, or age in its programs and activities.

The Alabama School of Fine Arts is a public school operated in compliance with Alabama State Code. For further information, including campus access, visit www.asfaschool.org or contact the office of the Executive Director at (205) 251-9541.

November 2015

*Alabama School of Fine Arts
Policy Manual*

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Preface

The Board of Trustees of the Alabama School of Fine Art is established under authority of state law for the purpose of exercising general supervision and administration of the Alabama School of Fine Arts, and of providing a more challenging educational experience for talented and gifted students to develop their full potential. Those responsibilities are met, in part, by the adoption and implementation of formal policies by which the principles that guide decision-making are established.

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

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

Any provision, feature, or aspect of Board policy that does not conform to governing law shall be deemed void and superseded by such law.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

Definitions

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

- a. “Board” or “School Board” means and refers to the Board of Trustees of the Alabama School of Fine Arts.
- b. “State” means and refers to the State of Alabama.
- c. “School” or “ASFA” means and refers to all schools, facilities, and operations of the Alabama School of Fine Arts.
- d. “State Board of Education” means and refers to the Board that exercises general control and supervision over the public schools of the State of Alabama as constituted and authorized by ALA. CODE § 16-3-1, *et seq.* (1975).
- e. “Alabama (State) Department of Education” means and refers to the state agency that is charged with implementing the policies, procedures, and regulations of the State Board of Education as provided in ALA. CODE § 16-2-1, *et seq.* (1975).
- f. “He,” “his,” or “him” means and includes all genders.
- g. “Law” includes local, state, and federal statutes, regulations, ordinances, court decisions, and binding administrative orders or directives.
- h. “Policy” is a guide for discretionary action. It expresses the intent of the Board concerning the job it expects of those to whom it gives authority. Policy statements guide the Board in making decisions and indicate certain practices the administration will follow.

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

I. Governing Principles

The mission of the Alabama School of Fine Arts, a diverse community of explorers, is to nurture impassioned students by guiding and inspiring them to discover and fulfill their individual creative abilities in an atmosphere distinguished by the fusion of fact and feeling, risk and reward, art and science, school and society.

The Alabama School of Fine Arts is committed to

- a quality education for its students;
- equal educational opportunity;
- a constant awareness of the concerns and desires of the community;
- an active educational leadership role; and
- the support of an Executive Director who will maintain ASFA's position as an outstanding educational program and under whose leadership the staff will implement with imagination and dedication the policies, rules and regulations of the Board of Trustees.

II. School Board Operations

2.1 *Board Composition and Organization*

2.1.1 Composition and Appointment – The Board of Trustees of the Alabama School of Fine Arts (“the Board”) is composed of no fewer than seventeen members who are appointed for staggered four-year terms in accordance with the nomination and appointment procedures established by state law. Newly appointed members will assume office effective July 1 of each year, with the term of office running from July 1 through June 30. Members who have served two full consecutive terms shall not be reappointed to the Board until at least one year has elapsed from the last date of service. Members will be citizens of good standing and supporters and exponents of the cultural and educational advancement of the youth of Alabama. There shall be at least one Board member who is a member of the professional arts staff within the State Department of Education. Each of the following fields or disciplines shall have representation on the Board: (1) dance; (2) creative writing; (3) music; (4) theater arts; (5) visual arts; (6) math/science and (7) academics.

[Reference: ALA. CODE §16-26B-4(1975)]

2.1.2 Officers –

- a. Chairperson. Upon the assumption of office of newly appointed board members effective July 1 of each year, the Board will hold an Annual Meeting, at which the Chairperson will be elected. The duties and powers of the Chairperson shall include the following:
- (1) to preside at Board meetings and proceedings;
 - (2) to appoint members to serve on standing or special committees;
 - (3) to serve as *ex officio* member of Board committees;
 - (4) to annually appoint a member to serve as Secretary; and
 - (5) to perform such other duties as may be imposed by policy, law, regulation, or action of the State Board of Education.
- b. Secretary. The Secretary of the Board will be appointed annually by the presiding Chairperson. Duties of the Secretary shall include the following:
- (1) to issue notices of Board meetings as directed by the Chairperson in accordance with applicable law;
 - (2) to keep an accurate record of the proceedings of the Board;

- (3) to maintain an accurate record of Board policies and administrative regulations; and
- (4) to sign and maintain the official minutes upon approval by the Board.

The administrative office of the Alabama School of Fine Arts shall assist the Board officers in the routine performance of their duties.

2.1.3 **Committees** – The Board may divide itself into standing or special committees for the purpose of more efficiently conducting Board business. Membership on such committees may be by appointment by the Chairperson or as otherwise approved by the Board. No recommendation or action of any committee will bind the Board unless approved by a majority vote of a quorum of the Board as statutorily prescribed. The Chairperson and Executive Director shall serve as *ex officio* members of all Board committees.

[Reference: ALA. CODE §16-26B-6 (1975)]

2.2 Duties and Authority of Board Members

The Board has the authority and responsibility to govern the Alabama School of Fine Arts. Board authority will only be exercised collectively through action taken in accordance with applicable statutory and parliamentary procedures. Individual Board members have no authority to bind the Board or to act on behalf of the Board except when authorized to do so by official action of the Board.

[Reference: ALA. CODE § 16-26B-5 (1975)]

2.2.1 The Board of Trustees, functioning within the framework of laws, court decisions, State Board regulations and similar mandates from the state and national levels of government, fulfills its mission as the governing body of the ASFA by acting in accordance with current bylaws as follow in the execution of its duties:

- a. The primary responsibility of the Board is to establish, review and revise policy for the ASFA, hiring an Executive Director to implement its policies, and hiring a Chief Financial Officer. The BOT is responsible for the development of policy as guidelines for administrative action and for employing an Executive Director to implement its policies. The application of policies is an administrative task to be performed by the Executive Director and his staff, who shall be responsible for the effective administration and supervision of the ASFA.
- b. The Board is responsible for evaluating the effectiveness of its policies and their implementation. The BOT holds the Executive Director accountable for implementing board policies within established guidelines and for informing it about school operations.
- c. Adopts the program of study which reflects the school's statutory, prescribed purpose of providing a more challenging educational experience for talented and gifted students.

- d. Provides leadership in maintaining adequate funding for the operation and improvement of the ASFA
- e. Employs and terminates, upon the recommendation of the Executive Director, all regular professional staff.
- f. Approves the budget and receives from the professional staff financial reports and audits.
- g. Provides for the planning, acquisition, expansion, improvement, financing, construction, maintenance, use and disposition of properties and assets.
- h. Requires the establishment and maintenance of records, accounts, archives, management methods and procedures essential to the efficient conduct of school business.
- i. Aids in the dissemination of school related information necessary for a well-informed public.
- j. Conducts no fewer than three meetings per year.
- k. Holds in trust for the use of the ASFA all property acquired for school programs.

2.2.2 Any member of the Board of Trustees may submit a proposal for new policies or changes in existing policies. These should be submitted to the Executive Director and the full Board.

2.2 Board Member Reimbursement

Board members shall be reimbursed for expenses incurred in the performance of their official duties as authorized by law.

[Reference: ALA. CODE § 16-26B-6(b)(1975)]

2.3 Board Member Training

- 2.3.1 General – Board members will pursue ongoing training to develop and enhance their knowledge and effectiveness as Board members and to improve Board governance and operations. Training will include participation in:
 - a. Orientation for newly elected or appointed school board members;
 - b. Training or consulting workshop(s) for the Board as a whole;
 - c. State or national school board association events addressing Board governance or operation, or other Board member development opportunities relating to leadership development, Board governance, or Board operations.
- 2.3.2 Source of Training and Report – The Board recommends the requirements of this policy be satisfied by participation in training provided by the Alabama Association of School Boards or other sources considered knowledgeable in school board governance and leadership. Board members will provide a report to the Board about training experiences at the next available Board meeting.
- 2.3.3 Board Self-Evaluation – The Board will conduct an annual evaluation that includes development of a list of recommended improvements in knowledge and skills of

Board members.

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

2.4 Board Meetings

- 2.4.1 General Provisions – The Board will hold an Annual Meeting and no fewer than three additional regularly scheduled meetings each year between July 1 and June 30. The Board may also hold such specially called meetings, work sessions and other assemblies as may be dictated by the needs of the ASFAs. All meetings of the Board will be open to the public except as may otherwise be required or permitted by law.

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

- 2.4.2 Annual Meeting – The Annual Meeting shall be the first meeting following the assumption of office of newly appointed Board members effective July 1 of each year. A Chairperson will be elected at the Annual Meeting in accordance with 2.1.2, above.
- 2.5.3 Time and Place – At the last regularly scheduled meeting each year, the Board will establish a meeting schedule for the following year, provided that the Board may modify its meeting schedule in the exercise of its sound discretion. Public notice of the dates, times, and places of meetings of the Board will be given in the manner prescribed by law. Board members will be given such advance notice of specially called meetings as is practicable under the circumstances.
- 2.5.4 Rules of Order – Board meetings will be conducted in accordance with the most recently revised edition of *Robert's Rules of Order*.
- 2.5.5 Quorum - A majority of actively serving members must be present in order to constitute a quorum for the transaction of official business. Official actions may be taken by the Board only when a quorum is present and all such actions shall require a favorable vote of a majority of those present and voting.

2.6 Executive Director

- 2.6.1 Role, Responsibilities, and Qualifications – The Executive Director serves as the chief administrative officer of the Board and the Alabama School of Fine Arts. The Executive Director may exercise such prerogatives and duties as are prescribed by statute, as are delegated or specified in an employment contract, or as are otherwise lawfully assigned by the Board. The Executive Director must possess the minimum qualifications for the position that are established by law and such other qualifications as may be specified by the Board.

[Reference: ALA. CODE § 16-26B-5 (8)(1975)]

- 2.6.2 Appointment and Term. The Board shall comply with all applicable notice and job posting requirements when appointing an Executive Director. The term of the Executive Director's appointment will be established by contract and may be

renewed, extended, or modified, subject to any limitations regarding the extension or renewal of the appointment as are imposed by law.

[Reference: ALA. CODE § 16-60-111.9(1975)]

- 2.6.3 Scope of Executive and Administrative Authority – The Board holds the Executive Director accountable for implementing Board policies and for keeping the Board informed on school operations.

2.7 *Recordkeeping and Retention of Board Records*

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

2.8 *Association Membership*

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

III. Fiscal Management

3.1 *Chief Financial Officer*

The Board will appoint a Chief Financial Officer to oversee the financial operations of the Board, under the supervision of the Executive Director. The Chief Financial Officer may also be referred to as the Chief Finance Officer.

3.2 *Budget*

A budget will be developed and approved by the Board for each fiscal year, which extends from October 1 to September 30 of the following year.

3.3 *Accounting*

Generally accepted accounting standards and procedures will be employed in the administration of all Board and school finances. All Board and school accounts will be reconciled to financial records. All reports required by the State of Alabama will be completed in a timely manner.

3.4 *Audits*

Business and financial transactions of the Board and the records of Board financial accounts will be subject to audit by the Alabama Department of Public Examiners in accordance with state law and appropriate auditing and accounting standards.

3.5 *Inventories*

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

3.6 *Purchasing*

Purchases will be made in accordance with an approved purchase order system that will include such requirements and procedures as may be established by the Chief Financial Officer and Executive Director.

3.7 *Deposit and Expenditure of Funds*

- 3.7.1** Deposits – All funds of the Board will be deposited with qualified depositories, as defined by law, in the manner prescribed by the Executive Director.
- 3.7.2** Investments – The Board authorizes the investment of surplus funds in the manner prescribed by law and approved administrative guidelines.
- 3.7.3** Expenditures – The Executive Director or his designee may spend funds within the approved budget without obtaining prior Board approval of the expenditure, unless the expenditure involves capital outlay or is subject to the bid law.

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

- 3.7.4** Competitive Bid Law – All purchases will be made in compliance with the competitive bid law, when applicable. The Executive Director is authorized to enter into cooperative purchasing agreements with other school systems or local governments as may be permitted by law.

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

- 3.7.5** Consultants – The Executive Director may engage professional consultants, specialists and experts, including but not limited to medical, mental health, educational, legal, financial, technical (e.g., engineering, architectural, computer) experts and specialists for a term not to exceed ninety calendar days and the total fees and costs of which are not expected at the time of engagement to exceed \$15,000.00 without prior Board approval, provided that the expenditure is within the amount established for such purposes in the current, Board approved budget.

- 3.7.6** Authorized Signatures – Checks drawn on the general fund or any special fund, with the exception of school accounts, require the signature of the Executive Director. All checks used will be prenumbered. Checks drawn on Board funds may be signed and processed by electronic means, under the direction of the Chief Financial Officer or Executive Director.

3.8 *Employee Compensation*

- 3.8.1** Salaries and Pay Rates – Except as established and governed by the terms of a special employment contract, Board employees will be compensated at rates of pay that are approved by the Board. Such salary or compensation rates will be included in a schedule developed and adopted by the Board in accordance with state law. All compensation must be approved by the Board, regardless of the source of funding.

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

3.8.2 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for all full time employees will be paid over twelve months regardless of the contract term. Personnel will be paid in accordance with customary payroll procedures, which may be modified from time to time as the needs of the system require. No employee is entitled to compensation except for work performed by the employee in accordance with an approved contract or the applicable terms of appointment. Compensation may be withheld pending the employee’s timely, accurate, and complete submission of all required records, data, and reports. Changes in step on salary schedule due to acquisition of a new degree are not automatic and are subject to the approval of the Executive Director based on job applicability.

3.8.3 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law, and employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary deductions as a service to employees upon written request of the individual employee as permitted by law. Upon termination of employment, any amounts owed under the terms of an employee authorization will be deducted from the employee’s final pay. The Board will not be liable for any good faith error made in implementing a salary deduction that has been authorized by the employee.

[Reference: ALA. CODE §16-22-6(1975)]

3.8.4 Minimum Wage and Overtime – In compliance with the Fair Labor Standards Act (“FLSA”), the Board will pay required minimum hourly wages and overtime to all employees who are not exempt employees under the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Saturday and ends at midnight on the succeeding Friday. All non-exempt employees who work more than forty (40) hours in a work week will be paid overtime. Employees must accurately report all time worked for the Board. Non-exempt employees are not authorized to work more than forty (40) hours in a workweek without specific direction or authorization to do so by the Executive Director, the employee’s supervisor, or the supervising school administrator.

3.8.5 Compensatory Time – Non-exempt employees who work more than forty (40) hours in a workweek, upon agreement between the employee and the Board, will be paid overtime in the form of compensatory time. Compensatory time will be based on time worked beyond forty (40) hours in a workweek, and will be recorded in minimum time units of one-quarter hour rounded to the nearest quarter of an hour. No more than two hundred forty (240) hours of compensatory

time may be accumulated. The Board reserves the right to require an employee to use compensatory time as its needs require and may “pay down” any compensatory time balance in its discretion. The Executive Director is hereby authorized and directed to develop procedures and forms for use in implementing this policy.

3.9 *Expense Reimbursement*

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

3.10 *Fees, Payments, and Rentals*

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

3.11 *School Accounts*

Funds held in school accounts, regardless of the funding source, will be maintained and accounted for in accordance with such procedures, rules, and regulations as may be developed by the Board.

3.12 *Authority to Execute Contracts*

3.12.1 General Authority – The Chairperson of the Board will have authority to execute contracts on behalf of the Board upon approval of the contract by the Board. The Board may also authorize the Executive Director to execute contracts on behalf of the Board as its chief executive officer.

3.13 *Affiliated Organizations*

1. **School Sponsored Organizations** – School-sponsored student organizations will be subject to Board policies and procedures concerning fiscal management and will maintain organization funds in school accounts. All books, records, and official documents pertaining to the management of such organizations will be maintained at the local school and will be subject to examination and audit by the Board. The use of funds collected, generated, or held by such organizations will be determined in accordance with the constitution, charter, or by-laws of the organization, with oversight by the sponsor of the organization, and subject to approval of the Chief Financial Officer.
2. **Other Affiliated Organizations** – Other organizations that are affiliated with ASFA are permitted to operate or raise funds on Board property or at Board sanctioned events only in conformity with Board and State policies, procedures, and standards concerning the fiscal management of such organizations. An affiliated organization

must make its books and financial records available to the Board for review or audit.

3.14 Fundraising

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

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

3.14 Child Nutrition Procurements

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

Charged meals are not considered an allowable expense. Therefore, all uncollected charges will be the responsibility of the school where the charge was made. All charges must be paid to the Child Nutrition Program at the end of the school year using non-public funds.

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

IV. General Administration

4.1 *Security / Access to Schools*

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

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

- 4.2.1 Prohibition on the Possession of Firearms – The possession of a firearm in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited except for authorized law enforcement personnel and as provided by law. For purposes of this policy, the term “firearm” has the same definition as is found in 18 U.S.C §921. In addition to any criminal penalties that may be imposed, the actions outlined in the procedures manual will be imposed for unauthorized possession of firearms

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

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

the purpose of and in connection with school or Board sanctioned educational, team, or competitive activities. In addition to any criminal penalties that may be imposed, the actions outlined in the procedures manual for unauthorized possession of deadly weapons or dangerous instruments will be imposed.

- 4.2.3 Illegal Drugs and Alcohol – The use, possession, distribution, and sale of alcohol and the illegal use, possession, distribution, and sale of drugs in a school building, on school grounds, on Board property, on school buses, or at school-sponsored functions is prohibited, provided, however, that the Executive Director may allow alcohol to be served to persons of legal age at functions at the ASFA’s theatre as he deems appropriate. In addition to any criminal penalties that may be imposed, the actions outlined in the procedures manual will be imposed for unauthorized possession of illegal drugs or alcohol.
- 4.2.4 Tobacco – The use of tobacco and smoking-related products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. Tobacco and smoking-related products are defined as any type of tobacco product or product intended to mimic tobacco products or the smoking or vaping of any other substance. This includes but is not limited to cigarettes, cigars, cigarillos, smokeless tobacco, electronic cigarettes, pipes, bidis, vape pens and hookahs. This does not include nicotine gum or patches.
- 4.2.5 Searches – Law enforcement agencies are permitted to make periodic visits to the school facility and classrooms to detect the presence of illegal drugs or weapons and may use any lawful means at their disposal to detect the presence of such substances. The visits will be unannounced to anyone except the Executive Director and the Director of Student Support Services.

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

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

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

4.3 Use of Board Property

- 4.3.1 Equipment, Supplies, Materials, Vehicles – Equipment, supplies, materials, vehicles, and other movable or consumable property owned by or under lease to

the Board may not be used by or made available to persons or entities for private or personal use, benefit, or consumption, or for any non-Board related use or purpose. Such property may not be removed from Board premises except as necessary to serve a school or Board-related function or purpose, and with the knowledge and approval of the appropriate supervisor, administrator, or the Executive Director.

- 4.3.2 Limited Public Forum – ASFA is a limited nonpublic forum. All spaces created for the purpose of curriculum delivery, including bulletin boards and public address systems are declared to be nonpublic forums and their use restricted to curriculum related purposes.
- 4.3.3 Use of Board Facilities – Schools and other Board owned or controlled facilities may be made available for use by sanctioned or generally recognized school support organizations if the use of the facility will not disrupt school operations or be inconsistent with the purpose and mission of the school system, and if adequate advance provision is made for security, supervision, maintenance, damage prevention, post-event clean-up, liability insurance, and other risk management measures appropriate to the proposed use. Use of Board facilities for non-school organizations may be approved if the foregoing conditions are satisfied and a rental contract (or the equivalent thereof) that includes a reasonable fee or rental charge and other appropriate terms and conditions is approved by the Board.
- 4.3.4 Advertising – Board property will not be used for commercial advertising except upon such terms and conditions as may be expressly approved by the Executive Director.

4.4 Complaints and Grievances

Any student, parent/guardian or employee has the right to express a complaint or grievance if they feel they have been treated unfairly or in a manner contrary to federal or state law, Board policy, or the Board's administrative regulations. Procedures for filing general complaints or grievances are established and addressed in the ASFA Employee Handbook and Student Handbook.

4.5 Risk Management

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

4.6 Emergency Closing of Schools

- 4.6.1 Authority of Executive Director to Close Schools – The Executive Director is authorized to close schools if such action is warranted by weather conditions or

other circumstances that pose a risk to the safety and welfare of students and employees, or that render meaningful instruction impossible (e.g., loss of power or other utility services).

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

4.7 *Internet Safety and Use of Technology*

- 4.7.1 Access to Technology Resources – The Board permits restricted and conditional access to and use of its technology resources, including but not limited to computers, the “Internet,” network storage areas, and electronic mail. Such access and use is restricted to employees, students, and other persons who are engaged in *bona fide* educational and administrative activities that serve and are consistent with identified educational objectives or authorized support functions, and who, by utilizing ASFA’s technology resources agree to abide by all Board policies, rules, and regulations regarding technology use. The Technology Acceptable Use policy will be developed by the Executive Director for approval by the Board for inclusion in all procedure manuals.
- 4.7.2 Limitation on Liability – The Board makes no warranties of any kind, either express or implied, that the functions or the services provided by or through the Board’s technology resources will be error-free or without defect. The Board will not be responsible for any damage users may suffer, including but not limited to loss of data or interruption of service.

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

4.8 *Political Activity*

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

- a. Employees may not appropriate Board property or resources for use in political campaigns, and may not engage in partisan political activities (including but not limited to the distribution of campaign material or literature) during regular school or duty hours or at Board sponsored or sanctioned events, functions, or at activities at which the employee is on duty or assigned official responsibilities;
- b. Employees may not represent their political beliefs or positions on political matters to be those of the Board or other Board officials, or to falsely assert or imply that their political activities or positions are endorsed by or undertaken in the name of the Board or other Board officials;

- c. Candidates and representatives of candidates for political office may not invite or allow announced candidates for political office to address student groups except when such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate. Such forums may be conducted only for appropriate age groups, and with the advance approval of the Executive Director or his designee; and
- d. Political signs may not be placed on schools or school board property. Campaign literature and other material may not be distributed on Board property during the regular school or work day, and may not be distributed at school or Board sponsored events or activities in a manner that impedes the normal and safe movement of pedestrian or vehicular traffic, that creates any other safety hazard or risk, or that disturbs or disrupts the function, activity, or event.

V. Personnel

5.1 *Employee Handbook*

The Executive Director or his designee will prepare and present to the Board for adoption and periodic revision an Employee Handbook. The handbook will be deemed an extension of Board policy and will have the force and effect thereof.

5.2 *Personnel Records*

5.2.1 Content of Personnel Files – Personnel files will be maintained for all regular employees. The files may contain information regarding the employee’s current assignment, payroll status, and work history, including but not limited to job qualifications, certification, licenses, employment contract(s), evaluation data, disciplinary information, and such other documents, written materials, and data as may be reasonably deemed necessary and appropriate by the Board for sound and efficient personnel administration. Anonymous material and other matters that are prohibited by law, regulation, or Board policy from being maintained in personnel files may not be included therein. Employees may reasonably supplement or respond in writing to any material contained in the personnel file with which they disagree and such responses will also be included in the personnel file.

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

5.2.3 Confidentiality – In general, the contents of an employee’s personnel file will be deemed confidential except for documents, information, and materials that are matters of public information or public record under applicable state or federal law.

5.2.4 Access to Personnel Files – Board members, the Executive Director, employees with responsibilities related to human resources, and other persons whose duties reasonably require access to personnel files are authorized to view, copy, and use the contents of personnel files for purposes that are required by or to facilitate an Executive Session of the Board.

5.3 *Sexual Harassment*

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

5.4 *Reduction in Force*

When the ASFA Board of Trustees determines that circumstances or conditions necessitate a decrease in the number of employee positions, and the decrease requires the termination of one or more employees, the following procedures will apply:

1. As soon as practicable after recognizing necessity, the Executive Director shall develop a reduction in force plan ("Plan") which demonstrates consideration of the interrelated instructional and support functions of the school, and which establishes strategy for the continuation of effective instruction.
2. The Plan shall specify position reductions within various instructional and support units, as identified by the Executive Director.
3. Where possible, the Plan shall achieve reductions within the identified units via non-renewal or termination or Probationary employees, as defined in Alabama Code §16-24C-1, Students First Act of 2011.
4. The Plan shall achieve reductions of Non-Probationary employees after consideration of the following:
 - The match between programmatic need and individual skills, credentials and experience.
 - Individual performance records
 - Seniority
 - Other factors relating to the best interests of the school.
5. If an employee identified for non-renewal or termination in the above process earned Non-Probationary status (as defined in §16-24C-1) in a lower position prior to the necessity for a reduction in force, the individual shall receive the opportunity to return to such a position rather than being non-renewed or terminated, providing such a position is available and is not held by another employee with Non-Probationary status in that position. If the first employee chooses to accept an available lower position, then the individual in the lower position will be designated for non-renewal or termination.
6. The Executive Director shall discuss the Plan in a meeting(s) with school staff no less than ten (10) work days prior to a regular or special meeting of the Board of Trustees, which will convene at an announced time and place to discuss and vote on the Plan.
7. Any affected employee who qualifies for a hearing by the Board may submit a hearing request in writing to the Executive Director no later than five (5) days prior to the Board meeting. Employees who qualify for a hearing shall be those who have achieved Non-Probationary status under §16-24C-1 and those whose current contracts would be terminated under the Plan. At the regular or special meeting announced by the Executive Director for the discussion and approval of the Plan,

the Board shall accord a hearing to any qualified employee who has made a proper written request.

8. Within five (5) work days following Board approval of the Plan, the Executive Director shall notify by registered mail all employees to be non-renewed or terminated indicating the date of non-renewal or termination and providing a statement of honorable dismissal.
9. If within twelve (12) calendar months from the opening date of the following school term, the school requires personnel to fill the specific needs of terminated employees, the Board shall offer reemployment to terminated employees who held Non-Probationary status and whose individual skills, credentials and experience are appropriate to the positions to be filled. The Board shall offer reemployment via certified mail and in the reverse order of the termination (i.e., "last out, first in"). Former employees must accept the offer within five (5) days of receipt of notification, or the offer will expire.

Nothing in this policy shall prevent any affected employee from reapplying for employment. The Executive Director and Board may consider the application if such an employee had a good work record prior to the dismissal.

VI. Students

6.1 *Admissions and Attendance*

6.1.1 Admission

- a. ASFA's five arts departments accept students in grades 7-11, and the mathematics and science department accepts students in grades 8-11. Admission is through a selective process with requirements that vary among the six specialty departments. The Executive Director is authorized and directed to develop procedures governing the admission process for approval by the Board.
- b. *Required Documentation* – Students entering ASFA for the first time will be required to submit a certified birth certificate, documentation, and such other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. The Executive Director may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, or homeless students.
- c. *Placement of Students* – The Board will determine the placement of newly enrolled students in accordance with state law.

6.1.2 Class Assignment

The Executive Director or his designee will assign students to classes in keeping with school standards and any procedures or criteria that may be established at the system or school level.

6.2 *Residence Halls*

ASFA students may apply to reside on-campus in ASFA's residence hall. Students who meet the applicable qualifications to live on campus must sign a contract and agree to abide by ASFA regulations, rules, and directives governing the residence hall. The Executive Director or his designee is authorized and directed to develop rules, regulations, and procedures governing the residence hall.

6.3 *Withdrawals*

The Executive Director is authorized and directed to develop procedures governing the withdrawal of a student from ASFA.

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

6.4 *Student Fees, Fines, and Charges*

Reasonable fees, fines, and charges not prohibited by law may be established by the Executive Director or his designee. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief Financial Officer.

6.5 *Extracurricular Activities*

ASFA neither sponsors nor endorses extra-curricular school clubs and organizations. Furthermore, ASFA employees are restricted from sponsoring or endorsing student-led gatherings outside of school hours. However, student-led curriculum related gatherings, when approved by the Executive Director, may be scheduled before or after, but not during school hours of 7:40AM-4:40PM.

6.6 *Student Sexual Harassment*

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

- 6.6.2 Definition – For purposes of this policy, sexual harassment means unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct or communications of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:
- a. Submission to the conduct is made explicitly or implicitly a term or condition of the student’s education, including any aspect of the student’s participation in school-sponsored activities, or any other aspect of the student’s education;
 - b. Submission to or rejection of the conduct is used as the basis for decisions affecting the student’s academic performance, participation in school-sponsored activities, or any other aspect of the student’s education;
 - c. The conduct has the purpose and effect of unreasonably interfering with a student’s academic performance or participation in school-sponsored activities or creating an intimidating, hostile, or offensive education environment.

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

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

6.6.3 Sexual Harassment Complaint Procedures Authorized – The Executive Director is authorized and directed to establish, implement and revise more detailed sexual harassment complaint procedures that are designed to provide students who believe that they are victims of unlawful sexual harassment with a thorough, discreet, and prompt internal procedure for investigating and resolving sexual harassment complaints. The procedures will be drafted so as to facilitate the gathering of relevant facts and evidence, permit timely assessment of the merits of the complaint, provide an opportunity for informal resolution of complaint where appropriate, eliminate any harassment that is established by the investigation, and prevent any retaliation based upon the filing of the complaint. The procedures will reflect due regard for the legal rights and interests of all persons involved in the complaint, and will be drafted, explained, and implemented so as to be understandable and accessible to all student population groups and ages.

6.6.4 Initial Confrontation of Accused Harasser Not Required – A student who invokes the harassment complaint procedure will not be required to present the complaint to the accused or suspected harasser for resolution. Students will be permitted to report allegations of suspected harassment to any appropriate Board administrator, teacher, counselor, or employee, and such persons have a duty to promptly refer such allegations to the Superintendent or to take such action as may be required by the procedures established under “Sexual Harassment Complaint Procedures Authorized” (6.9.3) above. In no case will any employee who is the subject of a complaint be permitted to conduct, review, or otherwise exercise decision making responsibility in connection with the processing of the complaint.

6.6.5 Notice of Policy to be Promulgated – The Executive Director will promulgate and disseminate this policy and the complaint procedures and will take such other steps and measures as may be reasonably available and expedient for informing the school community of the conduct prohibited by this policy and the recourse available to students who believe that they have been subjected to sexual harassment.

6.7 *Student Records*

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

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

6.8 *Student Health Services*

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

6.9 *Student Conduct*

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

6.10 Searches (Students)

- a. *Property* – All ASFA property, facilities, and grounds may be entered, inspected, and searched for any lawful purpose by ASFA officials or their designees at any time, without prior notice and to the fullest extent permitted by law. The right to enter, inspect, and search includes and extends to (but is not limited to) ASFA owned or controlled offices, desks, file cabinets, lockers, computers, files, documents, data, and devices however and wherever kept, stored, or maintained.
- b. *Personal Property* – Personal property, including but not limited to vehicles, purses, wallets, gym bags, book bags, cell phones, computers, and other devices may be searched by authorized school officials, including administrative staff or their designees, when reasonable suspicion exists that the property contains prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety or welfare of the school community.
- c. *Personal Searches* – Students may be searched whenever reasonable suspicion exists that the student possesses prohibited materials, illegal substances, weapons, or other items that are reasonably deemed to present a risk or threat to the safety and welfare of the school community. Refusal to submit to a search or to cooperate in a search as provided in this policy may be grounds for disciplinary action.
- d. *Use of Recovered Items* – Property, material, substances, information, or records that are obtained, discovered, or recovered as a result of a search may be retained and used for any lawful purpose.

6.11 Corporal Punishment

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

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

6.12 Physical Restraint & Seclusion

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

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

6.13 *Removal of Student from ASFA*

A student may be removed from the ASFA program in accordance with the procedures outlined in the Student Handbook.

6.14 *Harassment / Bullying*

ASFA is committed to providing all students with a safe and supportive school environment. Members of the school community are expected to treat each other with respect. Teachers and other staff members are expected to teach and to demonstrate by example that all members of the community are entitled to respect.

Harassment or bullying of a student by another student or by a teacher or other staff member is a violation of school policy. This includes (but is not limited to) harassment/bullying based on race, national origin, marital status, sex, sexual orientation, gender identity, religion, or disability. Punishable harassment/bullying is conduct, including verbal conduct, (1) that creates (or will certainly create) a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (2) that is threatening or seriously intimidating.

Sexual harassment is a form of harassment that also violates school policy. Punishable sexual harassment is an unwelcome sexual advance or sexual conduct, including verbal conduct, (1) that is tied to a student's educational benefits, opportunities, or performance, or to a student's physical or psychological well-being; (2) that creates (or will certainly create) a hostile environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being; or (3) that is threatening or seriously intimidating.

6.15 *Financial Assistance*

The Executive Director or his designee is authorized and directed to develop rules, regulations, and procedures governing the awarding of need-based and merit-based financial assistance.

VII. Instructional Program

7.1 *Educational Philosophy*

The Alabama School of Fine Arts was created by legislative mandate (Alabama Code §16-26B-1) to provide a more challenging public educational program for selected students than is available through Alabama's regular Local Education Agencies (county and public school systems). Students selected to enroll and remain at ASFA shall demonstrate the extraordinary passion, creativity, motivation, focus, discipline, responsibility and physical and emotional fitness requisite for advanced specialty and college-preparatory core studies.

7.2 *Curriculum*

The Executive Director will coordinate the design and development of a comprehensive curriculum plan in accordance with state law and any requirements of the State Department of Education for approval by the Board. The curriculum plan will reflect the school's statutorily prescribed purpose of providing a more challenging educational experience for talented and gifted students.

7.2.1 Major Specialties – The curriculum will include, but is not limited to, the following major specialties or fields of study: Creative Writing, Dance, Math and Science, Music, Theatre, and Visual Arts.

[Reference: ALA. CODE §§16-26B-1; 16-26B-4(c)(1975)]

7.3 *Textbooks*

Textbooks are selected and purchased based upon departmental recommendation and approval of the Executive Director. Students are loaned textbooks for the duration of the course that requires the textbook and are responsible for the care of the textbook. Students must reimburse the Board for the cost of any textbooks that are lost or damaged beyond reasonable wear and tear.

7.4 *Course of Study*

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

7.5 *Graduation, Certificate of Completion, and Commencement*

ASFA shall issue Diplomas to students who complete curriculum, performance and grade requirements within ASFA specialty and core departments, and all requirements for a regular high school diploma as specified by the Alabama Department of Education. An ASFA student who completes either the requirements of specialty & core departments or state course requirements, but not both, shall receive a Certificate of Completion, indicating the requirements met by the student. A student who remains

enrolled in ASFA through application of state and federal law superseding ASFA probation policy may receive a Certificate of Completion for the specialty or core academic requirements met; such a student who meets neither set of requirements may receive a Certificate of Attendance. Student participation in graduation ceremonies and related commencement activities will be subject to the approval of the Executive Director and payment of outstanding financial obligations. A senior who at the end of the final semester fails to attain specialty, non-specialty, and combined numerical averages at or above the minimums specified in ASFA procedures shall not be eligible to participate in graduation ceremonies. Participation in a graduation ceremony may be prohibited by the Executive Director if the student violates attendance, behavioral, or other disciplinary standards or if, in the judgment of the Director of Curriculum and Instruction or the Director of Student Support Services, the student's participation could leave or contribute to disorder or disruption of the ceremony or activity.

7.6 *Private Instruction / Tutoring Services for ASFA Students*

During school hours, no full-time ASFA faculty member shall charge a fee of any student for instruction. After those hours, a full-time faculty member may charge a fee of a student for instruction only if the faculty member is (a) instructing within a specialty area other than that in which the student is enrolled or has been accepted for enrollment or (b) tutoring a student in a subject not being taught by that teacher to that student in an ASFA course, with approval by the Executive Director.

7.7 *Field Trips and Student Transportation*

In recognition of the fact that well planned, well organized, and properly supervised off-campus field trips, school-sponsored performances or other instructional activity may serve an educational objective by enriching the instructional program, ASFA will permit trips when they relate to specialty and core instruction or further the overall educational development of the student; provided that all applicable procedures are met.