



Legacy SCHOOLS

District Operating Policies

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Bylaws
of
Legacy Schools

an alabama nonprofit corporation

Adopted



Code of Ethics

Legacy Schools Board of Education



III. Fiscal Management

3.1 Finance Manual Authorized

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

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

3.2 Employee Compensation

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

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

3.2.2 Salary Administration – Employees are expected to fulfill the work requirements of the position held for the full term of their appointment. Compensation will be prorated to reflect the number of days actually worked, subject to appropriate adjustments, credits, and allowances for available leave. Salaries for full time employees will be paid over twelve months, regardless of the contract term. However, employees in the first year of employment with the Board may opt to be paid over thirteen (13) months. 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.

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3.2.3 Salary Deductions – Mandatory salary deductions will be made in accordance with applicable law. Employees are required to complete and submit all forms and provide such information as may be required or reasonably required for such purpose. The Board will make voluntary salary deductions upon written request of the individual employee as permitted by law. Deductions for membership dues will be made for organizations with at least 20 active members as established by membership lists provided to the Board by the organization, if such deductions are allowed under state law and the organization has timely provided to the Board all certifications and expenditure reports required by law. Such membership lists will be corrected, updated, and returned to the organization no later than November 10 of each school year. Deductions will be based on the membership lists unless an employee revokes authorization for such deductions by providing written notice to the Head of School or his/her designee on or before September 15th of each school year. Deductions will remain constant during the school year, except by the authorization of the Head of School. 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

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3.2.4 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 as defined by the FLSA. For purposes of determining overtime, the workweek begins at 12:01 a.m. on Monday and ends at midnight on the succeeding Sunday. 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 Head of School, the employee's supervisor, or the supervising school principal.

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3.2.5 **Compensatory Time** – Non-exempt employees who work more than forty (40) hours in a workweek may, upon agreement between the employee and the Board, be paid overtime in the form of compensatory time. Compensatory time will be based on 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 Head of School is hereby authorized to develop procedures and forms for use in implementing this policy.

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3.3 Inventories

The Head of School is required to establish effective procedures to account for all materials, equipment, and other Board property. Inventory maintenance is to comply with government auditing standards to avoid penalty and reduction in state funding. 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 Head of School and Chief School Financial Officer. Inventories will be kept on forms prescribed or approved by the Chief School Financial Officer. Inventory forms will show items on hand at the beginning of the fiscal year, items lost, items disposed of, items purchased or otherwise added during the year, and items on hand at the end of the fiscal year.

[Reference: Ala. Code 16-13A-1, 6 (1975)]

3.3.1 **Title I Inventory**- Title I inventories should be updated when materials are delivered. All equipment and non-consumable materials (are marked with Title I and the fiscal year funding assignment. Federal law requires all Title I school inventories meet the minimum requirements. Title I inventory must be documented and must have the following information: location (ex. Room#), funding source (ex. FY19), ID number, date of purchase and description. All required components must be in each Title I school inventory. Inventory is required to be updated continuously and reconciled annually

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3.3.2 **Electronic Inventory**- All electronic equipment over \$500 should be inventoried in accordance with the inventory guidelines. It is the responsibility of the local school Technology Coordinator to ensure that technology-related equipment used in the local school is inventoried and/or check-out if the item leaves campus. The district technology staff is responsible for ensuring that any network equipment, file servers, or district computers, printers, etc. are inventoried. All technology related inventory is audited each summer. Any equipment not accounted for will be considered lost or stolen.



IV. General Administration

4.1 Safe Schools Policy (Drugs, Alcohol, Tobacco & Weapons)

- 4.1.1 **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
- a. **Penalties for violations** – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
 - i. **Students** – Students will be expelled for a period of one year. The expulsion requirement may be modified in writing by the Board upon recommendation of the Superintendent on a case-by-case basis. Students who are expelled for firearm possession may not attend regular school classes or activities but may be permitted to attend alternative schools or education programs established by the Board. The discipline of students with disabilities who violate the firearm possession policy will be determined on a case-by-case basis in accordance with federal and state law. Parents of students who violate this policy will also be notified by the principal of violations.
 - ii. **Employees** – Employees will be subject to adverse personnel action, which may include termination.
 - iii. **Other Persons** – Other persons may be denied re-entry to school property.
 - b. **Notification of Law Enforcement** – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.
 - c. **Parental Notification** - Parents and guardians may be notified of actual or suspected violations of the firearms prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

[Reference: ALA. CODE 16-1-24.1, 24.3; 16-1-44.1 (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)]



- 4.1.2 **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.
- a. **Penalties for violations** – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of firearms:
 - i. **Students** – Students will be disciplined in accordance with the Board’s Code of Student Conduct.
 - ii. **Employees** – Employees will be subject to disciplinary action, which may include warning letters, reprimands, suspensions, poor job performance evaluations, and dismissal.
 - iii. **Other Persons** – Other persons may be denied re-entry to school property.
 - b. **Notification of Law Enforcement** – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.
 - c. **Parental Notification** - Parents and guardians may be notified of actual or suspected violations of the firearms prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.



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

- a. **Penalties for violations** – In addition to any criminal penalties that may be imposed, the following penalties will be imposed for unauthorized possession of illegal drugs or alcohol:
 - i. **Students** – Students will be disciplined in accordance with the Board's Code of Student Conduct.
 - ii. **Employees** – Employees will be subject to adverse personnel action, which may include termination.
 - iii. **Other Persons** – Other persons may be denied re-entry to school property.
- b. **Notification of Law Enforcement** – The appropriate law enforcement authority, which may include the city police, county sheriff, and the local district attorney, will be notified by the principal of violations of this policy.
- c. **Parental Notification** - Parents and guardians may be notified of actual or suspected violations of the firearms prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

4.1.4 **Tobacco** – The use of tobacco products and the illegal possession, distribution, and sale of tobacco products on school property is prohibited. These prohibitions also apply to electronic cigarettes, vape pens, hookah pens, e-hookah pens, e-hookahs, vape pipes and any similar type of device designed to deliver nicotine, flavor, and other chemicals via inhalation.

- a. **Penalties for violations**
 - i. **Students** – Students will be disciplined in accordance with the Board's Code of Student Conduct.
 - ii. **Employees** – Employees will be subject to adverse personnel action, which may include termination.
 - iii. **Other Persons** – Other persons may be denied re-entry to school property.
- b. **Parental Notification** - Parents and guardians may be notified of actual or suspected violations of the firearms prohibition whether or not the student is charged with a violation of Board policy, which includes the Code of Student Conduct.

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



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

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

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

[Reference: Ala. Code 16-1-24.1, 25-5-330 (1975)]

4.2 Complaints and Grievances

4.2.1 **General Complaints (Grievances)** – Subject to the limitations set forth below and elsewhere in this policy manual, any employee or member of the public may present to the Board a concern, complaint, grievance, or request for corrective action regarding any aspect of school system operations. A member of the public who files a grievance must demonstrate that he or she is impacted by the alleged violation to a greater extent than the impact on the public at large.

Before requesting corrective action or relief from the Superintendent or the Board, persons with such complaints, grievances, or requests should present them for resolution to the employee, supervisor, or administrator at the lowest administrative level with the authority and ability to address the problem or to implement the requested action. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of complaints and grievances. Such procedures may not unreasonably burden or delay the presentation or processing of such matters, and will be subject to Board review, modification, and approval.



- 4.2.2 **Limitations Regarding Availability and Application of General Complaint/Grievance Policy** – The general complaint/grievance policy and any procedures adopted thereunder do not apply to specific complaint or grievance policies and procedures established by Board policy or law for application to special factual or legal circumstances (e.g., sexual harassment grievance procedures; review of personnel matters under the Students First Act; “due process” hearings provided under the Individuals with Disabilities Education Act). In such instances, the specific statutory, regulatory, or policy-based process is the applicable procedure. The general complaint/grievance procedures authorized under the terms of this policy may not be invoked to challenge or seek review or reconsideration of adverse personnel decisions that have received final Board approval. A grievance may be based on an alleged misapplication of Board policies, regulations, or procedures, but may not be used to challenge the Board’s exercise of its discretion to adopt, approve, modify, or repeal a policy, regulation, or procedure or on its failure to exercise such discretion (e.g., adoption of a school calendar, compensation policies, etc.). Grievances may not be used to bypass or deviate from statutorily mandated prerequisites to approval of board action, including but not limited to, the recommendation of the Superintendent.
- 4.2.3 **Student Complaints and Grievances** – Complaints, grievances, and requests for corrective action may be brought to the attention of the Board by or on behalf of students regarding academic, athletic, extracurricular, or other non-disciplinary matters, issues, and concerns only after reasonable efforts to resolve the matter at the school and administrative levels have been exhausted. The Superintendent is authorized to develop specific procedures that will provide for fair consideration and orderly review of such complaints and grievances. Such procedures will not unreasonably burden or delay the presentation or processing of the complaint or grievance and will be subject to review and approval by the Board. Administrative judgments concerning academic or curricular matters or participation in extracurricular activities may be set aside by the Board only upon a showing that the action or decision in question is arbitrary and capricious, fundamentally unfair, or that it violates Board policy or the student’s legal rights.
- 4.2.4 **Student Disciplinary Matters** – The Board may consider appeals of student disciplinary decisions or actions in accordance with standards and procedures specified in the Code of Student Conduct.



4.3 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. In order to avoid disruption to the classroom and the school, employees may not wear or display political buttons, clothing, or banners 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;
- d. In order to avoid obstructing the parking lot or otherwise disrupting school activities, employees may not place large signs or billboards in or on personal vehicles in the school parking lot;
- e. Candidates and representatives of candidates for political office may not be invited or allowed to address student groups except when 1) such candidates are participating in a forum or like format that is designed to provide all candidates the opportunity to participate; or 2) the candidate is a current public official invited to address student groups for non-campaign related purposes. Such forums may be conducted only for appropriate age groups, and with the advance approval of the school principal and the Superintendent;
- f. Political signs may not be placed on schools or school board property; and
- g. 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.

Notwithstanding these restrictions, any common area that is available for use by the general public may be used for political purposes as long as such area is available to all candidates on an equal basis and such activity does not disrupt the normal business of the property.



4.4 Security / Access to Schools

4.4.1 Adult Sex Offenders

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

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

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

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

[Reference: Ala. Code 15-20A-17]

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4.5 Data Governance and Use

The superintendent is authorized to establish, implement, and maintain data and information security measures. The policy, standards, processes, and procedures apply to all students and employees of the district, contractual third parties and agents of the district, and volunteers who have access to district data systems or data.

This policy applies to all forms of Legacy Schools' data and information, including but not limited to:

- a. Speech, spoken face to face, or communicated by phone or any current and future technologies,
- b. Hard copy data printed or written,
- c. Communications sent by post/courier, fax, electronic mail, text, chat and or any form of social media, etc.,
- d. Data stored and/or processed by servers, PC's, laptops, tablets, mobile devices, etc., and
- e. Data stored on any type of internal, external, or removable media or cloud based services.



V. Personnel

5.1 Employee Evaluations

- 5.1.1 **Certified Personnel** – Certified employees (other than contract principals) will be evaluated in accordance with an evaluation program approved for use by the Legacy Prep Board of Education or the Alabama State Board of Education. Contract principals will be evaluated in accordance with rules, regulations, and requirements promulgated by the State Department of Education or as may otherwise be permitted by law.
- 5.1.2 **Non-Certified Personnel** – Non-certified personnel may be evaluated in accordance with criteria and procedures to be developed by the Head of School.
- 5.1.3 **Use of Evaluations in Connection With Employment Decisions** – Unless prohibited by law (including applicable regulations) or the terms of the evaluation instrument, employment evaluations may be considered in making employment decisions, together with such other information and considerations as may reasonably bear upon the wisdom, necessity, or advisability of the employment decision. However, employment evaluations are intended to enhance the overall quality of the school system's instructional program and are not intended to confer, constitute, or give rise to any individual right, entitlement, or enforceable expectation of continued employment or advancement. Accordingly, except as may be specifically provided otherwise in state law applicable to "contract principals," employees do not acquire any employment right or right of legal action based on any actual or alleged failure on the part of the Board or the evaluator to follow specific evaluation policies, regulations, or procedures.
- 5.1.4 **Special Evaluation Situations** – The Head of School, the Chief School Financial Officer, and other employees who serve in positions of special trust or sensitivity may be evaluated by such means as may be permitted by law or applicable regulation or as agreed to in an employment contract.
- 5.1.5 **Exempt Personnel** – Except when required by law or contract, temporary, substitute, and occasional employees, or employees appointed to supplemental positions (e.g., coaches, extracurricular activity sponsors) will not be formally evaluated in those roles.



VI. Students

6.1 Student Fees, Fines, and Charges

Reasonable fees, fines, and charges not prohibited by law may be established by the Head of School. All such fees, fines, and charges will be collected and accounted for in accordance with the procedures, rules, and regulations to be developed by the Chief School Financial Officer or as provided in the Board finance or local school finance manual(s).

6.2 Admissions and Attendance

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

- a. **Kindergarten Age Requirement** – A student must be five years old on or before September 1, the date set by State guidelines, to be admitted for kindergarten for the current school year.

6.2.2 **Admission to Schools** -Legacy Prep is a public charter school. Applications for enrollment are open to all students within Birmingham and the surrounding areas. Should the number of applications exceed the number of available seats for a specific grade, a random lottery will be held to fill the available seats and offered to those students and their families who will be asked to complete the enrollment process. A waiting list of completed applicants will be maintained so should a student chosen through the lottery choose to not attend students for that grade on the waiting list will be identified for enrollment.

- a. **Resident Students** – School-age children who reside within the Birmingham City School District boundaries or within the boundaries of neighboring districts may be admitted to Legacy Schools. For purposes of this policy, the residence of the student will be presumed to be the residence of the custodial parent or legal guardian. No such presumption attaches to temporary transfers of parental powers under Ala Code 26-2A-7. If custody of the child is shared, alternating, or unclear, or if the child does not reside with a custodial parent or



legal guardian, the domicile or actual physical residence of the child will control, except when there is evidence that the claimed residence of the child is not his actual residence, or that the claimed residence is fraudulently given as a means of avoiding or violating admission, enrollment, attendance, and residency standards and requirements.

[Reference: Ala. Code 16-28-3]

- b. **Homeless, Migratory, Immigrant, Foster Care, and English Learners - All** homeless, migrant, and immigrant students, children in foster care, and English language learners will have equal access to the same free appropriate public education, including public preschool education, provided to other children and youth and will be provided the opportunity to meet the same challenging state content and state student performance standards to which all students are held without being stigmatized or isolated. The enrollment of homeless, migrant, and immigrant students, children in foster care and limited English proficient children and youth shall not be denied or delayed due to any barriers that are specifically prohibited by applicable law.
 - i. **Enrollment for Homeless Students** - Homeless students will be permitted to enroll without regard to residency status and may be entitled to other accommodations under federal law.
 - ii. **Dispute Resolution** - Homeless students will continue in the school of origin for the duration of homelessness. Students may enroll in any public school that non-homeless students, who live in the attendance area in which the students reside, are eligible to attend.
 - 1. If the school enrollment decision is contrary to the wishes of the student's parent/guardian, the school will provide the parent, guardian, or unaccompanied youth with a written explanation of the decision, a statement of the right to appeal, and procedure for appealing the placement decision. The Head of School of this school will notify the Board's Homeless Liaison of the dispute and take steps to resolve the dispute.
 - 2. When a dispute arises regarding school placement, the system will immediately enroll the homeless student in the school in which enrollment is sought by the parent, guardian, or unaccompanied youth, pending resolution of the dispute. The Board's Homeless Liaison will expeditiously take steps to resolve the dispute. If the dispute cannot be settled by the homeless liaison, the liaison will



assist the complainant in seeking technical assistance from an appropriate service agency.

[Reference: 42 U.S.C. 1432(a)(3)(E)]

- c. **Required Documentation** – Students entering the school system for the first time, regardless of grade level, are not required to submit a birth certificate, but may be requested to submit a birth certificate or another form of acceptable documentation to verify the student’s age. A social security number may also be requested, but such request is voluntary and is not a requirement of enrollment.

In addition, students may also be required to submit other registration materials as school officials may reasonably require, including but not limited to a certificate of immunization or an exemption as prescribed by the Department of Health and signed by a private physician or appropriate health department official. The Head of Schools may accept alternate forms of evidence or modify otherwise applicable requirements as necessary and appropriate to accommodate migrant, immigrant, limited English proficient or homeless students.

- d. **Students in Foster Care** – A student in foster care will enroll or remain in the student’s school of origin, unless it is determined that remaining in the school of origin is not in such a student’s best interest.

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

- a. Personal illness
- b. Hospitalization
- c. Emergency
- d. Death in immediate family
- e. Court subpoena
- f. Religious holidays with prior Head of Schools approval
- g. Absences approved by the Head of School

Documentation supporting an excused absence must be submitted within three (3) school days of the absence or the absence will be deemed to be unexcused. Special and extenuating circumstances will be considered and reviewed by the Head of School. Excessive unexcused absences may result in a loss of academic credit or referral of the matter to juvenile or other appropriate legal authorities for investigation.



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

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

6.3 Student Conduct

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

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

6.4 Opt-In for Mental Health Services by Parent or Legal Guardian

No student under the age of fourteen may participate in ongoing school counseling services including, but not limited to, mental health services, unless (1) the student’s parent or legal guardian has submitted a written opt-in granting permission for the student to participate or (2) there is an imminent threat to the health of the student or others.

For purposes of this policy, “mental health services” includes services, treatment, surveys, or assessments relating to mental health; however, it does not include instructional activities designed to educate students regarding topics related to mental health (1) contained in the school system’s approved curriculum or (2) otherwise required to be taught by law (e.g., Erin’s Law; Jason Flatt Act).

This policy is not applicable to any school counseling services or “mental health services” contained in a student’s PST, IEP, or 504 plan. Consent for those services will be obtained in accordance with the specific procedures required by federal and/or state law, and information regarding any mental health services will be provided in the pertinent plan.



6.4.1 **Written Notification** – At least annually, the school system shall provide parents and legal guardians a written notification regarding school provided or sponsored mental health services. The notification will include the purpose and general description of each of the mental health services available; information regarding ways parents may review materials to be used in guidance and counseling programs available to students; and information regarding ways parents may allow, limit, or prevent their student's participation in the programs.

The written notification may be provided electronically, including through the school system's online enrollment portal or by such other means and methods as are customarily used for such purposes.

6.4.2 **Opt-In To Participate in Mental Health Services –**

- a. **General Requirement** – For a student under the age of fourteen to participate in mental health services, written permission by the student's parent or legal guardian is required annually. The written permission must be specific as to any treatment and not broad in nature. Parents and legal guardians may be provided the opportunity to opt-in electronically during online enrollment or by such other means and methods as are customarily used for such purposes.
- b. **Rescinding Permission** – A parent or guardian may rescind permission for a student to participate in mental health services at any time by providing written notice to school administration.
- c. **Requests for Opt-In and Referrals Authorized** – If a parent or legal guardian does not initially opt-in to mental health services, school officials may contact the parent or legal guardian to (1) attempt obtain permission for the student to participate in mental health services if the school official believes that the student would benefit from services or if circumstance arise for which services could be beneficial; and/or (2) provide a parent or legal guardian with a referral or information regarding mental health services that may be available to a student through other agencies or providers.
- d. **Exception for Imminent Threat** – If a parent or legal guardian has not opted-in to mental health services, a student may be provided mental health services if there is an imminent threat to the health of the student or others. School employees may determine in their discretion whether such an imminent threat exists and provide any mental health services they deem necessary under the circumstances.



6.4.3 **Information for Parents/Legal Guardians** – If a student’s parent or legal guardian elects to opt-in to mental health services, the counselor providing services shall keep the parent fully informed regarding any diagnosis and any recommendations for additional counseling or treatments beyond the services for which the parent or legal guardian has already opted in. The parent shall have the authority to make final decisions regarding any such recommended counseling and treatments.

6.4.4 **Recordkeeping** – Written records maintained by the school system and directly related to a student’s mental health services will be treated in the same manner as health care records and are subject to the confidentiality protections applicable to education records generally. Such records will be available for examination and review by authorized persons in the manner prescribed and to the extent required by federal and/or state law.

Records pertaining to a student’s mental health services will be kept separately from academic records unless including such record(s) in the student’s academic record is necessary to implement a state and/or federal law (e.g., special education referral process).

[Reference: Ala. Act 2022-442]

6.5 Equal Educational Opportunities

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

6.6 Punishment and Restraint

6.6.1 **Corporal Punishment** - The Board does not permit the use of corporal punishment therefore for inappropriate behavior if school personnel are not prohibited from using appropriate physical contact or intervention in response to emergencies or other circumstances reasonably requiring such action.

6.7 Students with Disabilities

6.7.1 **Independent Educational Evaluations** – The Head of Schools and his/her designee is authorized and directed to develop procedures for responding to parental requests for an Independent Educational Evaluation (IEE) in accordance with the provisions of the Individuals with Disabilities Act (IDEA) and the Alabama Administrative Code (AAC). Copies of the procedure for requesting an IEE will be available to parents upon their written request to the office of the ACS Special Education Coordinator.



VII. Instructional Programs

7.1 Curriculum

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

7.2 Selection of Instructional Materials and Materials for the School Libraries

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

7.3 Academic Standards

- 7.3.1 Promotion** – Students are promoted from grade to grade based on academic credit earned during the school year, in summer school programs, or in such other academic programs as may be approved or recognized by the Board and in accordance with applicable law. Students who are eligible for promotion from grade to grade may nevertheless be retained by agreement of the parents and appropriate school officials.
[ALA. CODE 16-6G-1, et. seq.]

7.4 Graduation and Commencement

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

A student with a disability (as defined by the IDEA) who has met the applicable Alabama Administrative Code requirements and/or any other requirements provided by state or federal law will receive either a diploma or a graduation certificate as appropriate.

A student who has satisfactorily completed one of the above requirements is eligible to participate in graduation ceremonies as a member of the graduating class. Student participation in graduation-related ceremonies will be subject to the principal's approval and may be prohibited by the principal if the student violates disciplinary standards, or if, in the judgment of the principal, the student's participation could lead or contribute to disorder or disruption of the ceremony or activity.[Reference: Ala. Admin. Code R. 290-3-1-.02(8); 290-8-9-.10(9)]



- VIII. Board Bylaws
- IX. Board Code of Ethics
- X. Fiscal Management
- XI. General Administration
- XII. Personnel
- XIII. Students
- XIV. Instructional Program