

Gadsden City Schools

Section A: School District Organization

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Policy AA: School District Legal Status**Gadsden City Schools****Original Adopted Date:** 07/10/2012 | **Last Reviewed Date:** 07/10/2012**Status:** ADOPTED

The Gadsden City School District derives its legal status from the State Legislature which, in turn, is subject to the Constitutions of both the State of Alabama and the United States. Authority of the State Legislature is specified in Amendment III Section 256 of the Alabama Constitution of 1901 which states, "...The Legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies, or municipalities, at such places, and upon such conditions as it may prescribe..."

The Gadsden City School District is under the exclusive control and management of the Gadsden City Board of Education, a body duly authorized by the State Legislature. The general administration and supervision of the city schools is vested in the City Board of Education. School districts must operate in accordance with all applicable constitutional and statutory provisions and requirements of the State of Alabama and the United States.

Ref: U.S. Const. amend X; U.S. Const. amend XIV, 1; Ala. Const. amend 111, Sec. 256 Ala. Code 16-8-8. See: *Wisconsin v. Yoder*, 92 S. Ct. 1526 (1972); *Milliken v. Bradley*, 94 S. Ct. 3112 (1974); *Dayton Board of Education v. Brinkman*, 97 S. Ct. 2766 (1977).

Policy AB: School Board Legal Status**Gadsden City Schools****Original Adopted Date:** 07/10/2012 | **Last Reviewed Date:** 07/10/2012**Status:** ADOPTED

The Constitution of Alabama allows the State Legislature to foster and promote the education of its citizens in a manner and extent consistent with its available resources. The Legislature has provided for County and City Boards of Education as the bodies charged with establishment, maintenance, development, and operation of efficient public school programs at the local level. The Alabama Supreme Court has held that the Board is vested with a broad range of administrative and supervisory authority commensurate with the aforementioned prescribed educational responsibilities.

As members of an instrumentality created by the state, city board members are officers of the state, but they have only local jurisdiction. The Gadsden City School Board is the agency through which the city acts in regard to school matters. The Gadsden City Board members have authority only when functioning as a body or group in legally called regular or special meetings. The powers of the Gadsden City Board are delegated only to the board as a body. No authority is granted to members acting as individuals.

The Gadsden City Board is cognizant that all actions must be taken in good faith, with reasonable prudence, sincerity and based on the belief that such actions are correct and in the best interests of the Gadsden City School District in accordance with statutes and pertinent judicial precedents.

Ref: Ala. Const. amend. 111; Ala. Const. Art. XIV, 256; Ala. Code 16-8-8, 16-8-9, 16-8-10, 16-11-9, 16-11-18; See: Day v. Andrews, 188 So. 2d 523 (1966); Sims v. Etowah County Board of Education, 337 So. 2d 1310 (1976); Monell v. New York City Department of Social Services, 98 S. Ct. 202 (1978); Open Meetings Act of 2005, Ala. Act. No. 2005-40.

Policy ABA: Authority**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

The Gadsden City Board of Education shall act as the general agent of the State of Alabama in carrying out the will of the people residing within the Gadsden city limits relative to public elementary and secondary education within the Gadsden City School District. The Board's authority shall include all public school and system operations over which it has jurisdiction.

In all cases where state laws, federal statutes, regulations and/or federal or state judicial precedents do not prohibit or provide, the Gadsden City Board of Education shall consider itself the agent for establishment, continuance, and appraisal of educational activities within the public schools of this School District.

It is, thus, incumbent upon this Board of Education, subject to the directives of the State Legislature and the State Board of Education, to determine the educational policy for the schools and the School District under its jurisdiction and to prescribe rules and regulations for the conduct and management of the Gadsden City Schools.

Ref: Ala. Const., 1901, amend. III to Sect. 256; Ala. Code, 16-11-2, 16-11-9; See also 16-11-1 through 16-11-27, Special attention, 16-11-18.

The Gadsden City Board of Education shall act as the general agent of the people within its jurisdiction in all matters pertinent to public education of students enrolled in the schools of the District.

The Gadsden City School Board shall be responsible for carrying out all mandatory laws pertaining to education and shall consider, accept, or reject provisions of permissive legislation where discretion is so authorized. In all cases where constitutional mandates, federal and/or state statutes, judicial precedents or regulations of duly recognized governmental agencies do not otherwise provide or prohibit, the Board shall consider itself the agent responsible for establishing and appraising the educational activities of the School District.

The Gadsden City Board of Education shall consider as its major responsibility policy development, adoption, and appraisal. In these areas, input from the Superintendent, principals, supervisors, teachers, and professional organizations shall be welcomed through procedures defined by the Superintendent or his designated representative and approved by the Board.

The specific duties of the Board shall include, but not be limited to the following:

1. To select the person to serve as the chief executive officer and Superintendent of Education and support such person in the discharge of his duties;
2. To establish and approve policies relating to the operation of the public schools;
3. To adopt a calendar of school events for each ensuing year, which calendar shall be distributed to the teachers and others as deemed necessary;
4. To adopt the annual budget, consider and approve payrolls, and approve expenditures of funds as recommended by the Superintendent;
5. Consider reports of transacted business and its relation to the financial status of the system;
6. Appoint principals and other employees only upon the recommendation of the Superintendent;
7. Determine salary schedules and other personnel policies;
8. Consider reports of the Superintendent on the progress of the schools and advise the Superintendent on recommended changes in educational programs;
9. Adopt plans for structural improvements and determine the means to finance them; and
10. Inform the citizens of the community and the Legislature of the needs of the schools.

Ref: Alabama Code, 16-1-30, 16-11-1 to 27, 16-12-1, 16-12-15, 16-12-16, 16-22-5, 16-22-6, 41-16-50, 41-16-51, 16-13-130, 16-13-141.

The legal status of each individual duly appointed Gadsden City Board of Education member shall be that of a Gadsden "city officer" who cannot be removed from his or her position except by impeachment for the following causes (1) willful neglect of duty; (2) corruption in office; (3) incompetence; (4) intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties; or (5) any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith.

The legal status of the individual Gadsden City Board member does not authorize said member to act for or bind the Board of Education individually. The powers and duties vested in the Gadsden City Board of Education may only be exercised and completed by action of the Board as a whole. In this respect, no motion or resolution shall be declared adopted without the concurrence of the majority of the whole Board.

No member of the Gadsden City Board shall be financially interested, directly or indirectly, in the business of the Board. Board members should have a genuine interest in and devotion to public education. They should be willing to cooperate by contributing time and effort to work at hand.

Members of the Gadsden City Board of Education shall be appointed by the City Council or Commission and shall serve for terms of five years.

METHODS OF ELECTION

Members of the Gadsden City Board of Education by law must be appointed at the first regular meeting of the City Council in the month of April of each year.

The newly appointed Board members will assume office at the first regularly scheduled Board meeting in June following the appointment.

Members are appointed to succeed those whose term or terms of office expire that year at the regular meetings of the City Council in April of each year.

UNEXPIRED TERM FULFILLMENT

The City Council shall make appointments to fill vacancies on the City Board of Education. The appointing authority may set any time to fill the vacancy of the unexpired term. The incumbent may continue in office after the expiration of his/her official term and pending the selection and qualification of his successor.

RESIGNATION OF BOARD MEMBERS

A Board member may submit his/her resignation at any time during the term of office. Such resignation shall be approved by the City Council. In the event a Board member elects to resign, a written statement of resignation shall be submitted to the City Council as far in advance of the effective resignation date as possible.

A Board member shall be considered resigned when he or she permanently changes his or her residence from the City School District in which he or she was appointed, becomes subject to the authority of the Board, as an employee or otherwise, with limited exception, or becomes a member of the City Council or Commission.

NUMBER

The Gadsden City Board of Education shall be composed of seven (7) members as set forth in the Alabama School Code.

Ref: Ala. Const., 1901, Sect. 173; Code of Ala., 16-11-5; 68 Am. Jur. 2d "Schools," Sect. 46, p. 396; Rep. Atty. Gen., 1934-36, pp. 104-105; Day v. Andrews, 279 Ala. 563, 188 So. 2d 523 (1966); 78 C.J.S., "Schools and School Districts," Sect. 123.

Ref: Ala. Code, 16-11-2; Day v. Andrews, 279 Ala. 563, 188 So. 2d 523 (1966); 78 C.J.S., "Schools and School Districts," Sect. 105-111.

The Gadsden City Board of Education shall appoint as its chief officer a Superintendent of Education who, in addition to serving as the chief executive officer of the Board, shall also serve as Secretary of the Board. Out of his knowledge of the Gadsden School System and practices elsewhere, the Superintendent is expected to provide information and counsel to both the Board and the teachers.

The Superintendent of Education serves in accordance with Title 16, Chapter 12, PUBLIC SCHOOL LAWS OF STATE OF ALABAMA. The Superintendent is the executive officer of the Board and also serves as its Secretary. The Board of Education determines policy for the school system and it is the responsibility of the Superintendent of Education to see that it is executed. The Superintendent sees that proper minutes are kept on School Board meetings and that all business is properly recorded. The Superintendent is authorized to delegate some of this responsibility to capable assistants.

In accordance with statute, the Superintendent shall be required to give bond in an amount fixed by the State Superintendent of Education with a reputable surety company licensed and otherwise authorized to do business in Alabama. Such bond shall be conditioned upon faithful performance of duties and upon the accounting and paying over to the proper authority of all monies coming into his or her hands.

SCHOOL SUPERINTENDENT: SPECIFIC RESPONSIBILITY REQUIREMENTS

Statutory provisions concerning the Gadsden City Superintendent shall include but shall not be limited to:

1. General Provisions: The Gadsden City Board of Education shall appoint as its executive officer a Superintendent of Education, who shall also serve as Secretary of the Board of Education. The Superintendent must possess the same qualifications required of a county superintendent (these include certificate in Administration and Supervision, three years experience as teacher or principal, degree from four year college or university). "The Superintendent shall conduct all correspondence of the Board, and see that such reports are in proper form, complete and accurate; he shall attend meetings of the Board and of its committees. He shall have the right on any motion under consideration to advise but shall have no vote.
2. Duties: The Gadsden City Superintendent of Education shall be the chief executive officer of the Board of Education and shall see that the laws relating to the schools and the rules and regulations of the Board of Education are implemented. The Gadsden City Superintendent of Education shall explain the true intent and meaning of the school laws, and of the rules and regulations of the Board, and the proper administration of the public schools. He shall have the authority to administer oaths and to examine under oath witnesses in any matter pertaining to the public schools of the city and to cause the examinations to be reduced in writing.
3. Establishment and Maintenance of Schools: The City Superintendent of Education shall recommend for approval and adoption by the City Board of Education, the kind, grade, and location of schools to be established and maintained.
4. Educational Policy as to Gadsden City Schools: The City Superintendent of Education shall recommend policies for approval and adoption by the City Board of Education designed to promote the educational interests of the School System. He shall be empowered to develop and implement rules and regulations for all areas of Gadsden City School System operations. Said rules and regulations shall be in conformity with Board policies. The Board shall, directly or indirectly, through the Superintendent secure representative input from certificated personnel relative to areas of policy.
5. Nomination of Employees to the Board: The City Superintendent of Education shall nominate all employees of the Board and all persons so nominated for teaching or supervisory positions shall hold certificates issued by the State Board of Education.
6. School Buildings and Grounds: The Superintendent of education shall recommend to the City Board of Education for condemnation school buildings which are unsanitary and unfit for use. He shall recommend all repairs, purchase of playgrounds, school grounds, school sites, and buildings, or the sale of the same, and shall prepare or cause to be prepared, all plans and specifications for the remodeling of old buildings and the construction of new buildings. He shall recommend in his

discretion to the Board of Education an architect or architects to assist in the preparation of plans and specifications for remodeling old buildings, for the construction of new buildings, and shall supervise such remodeling and construction.

7. Grading and Standardizing City Schools: The Gadsden City Superintendent of Education, subject to the provisions of this title, shall prepare rules and regulations for grading and standardizing the public schools and shall recommend the same for approval by the City Board of Education.
8. Course of Study: The Gadsden City Superintendent of Education, subject to the laws of Alabama, shall prepare courses of study for the elementary, middle, and secondary schools of Gadsden City School District and shall submit the same for approval and adoption by the Board of Education. Printed copies of the courses of study shall be supplied to every teacher and interested citizen of Gadsden.

Ref: Personnel Policies: Gadsden City Schools, February 7, 1978; Ala. Code, 16-11-7; 16-12-1 through 16-12-21. Special reference to 16-12-3. See 78 C.J.S., "Schools and School Districts," Sect. 171.

Policy AC/IE: School District Organization Plan**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

The Gadsden City Board of Education has organized its school programs into elementary, middle, and high school.

The Board is authorized to reorganize the schools within its jurisdiction and to determine and fix the number of grades to be taught at each school in accordance with the dictates of the public and best interests of the students.

Ref: Ala. Code 16-8-36, 16-11-16, 16-8-41; Shores v. Elmore County Board of Education, 3. So. 2d 14 (1941).

Policy AD/JBCC: School Attendance Areas**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

The Gadsden City Board of Education is empowered to arrange its respective jurisdiction into one or more attendance districts. The Board, however, must exercise such discretion in a manner consistent with constitutional, statutory, and judicial mandates regarding equal educational opportunities for all students.

Policy AE: School Year**Gadsden City Schools****Original Adopted Date:** 07/10/2012**Status:** ADOPTED

The scholastic year within the Gadsden City Schools shall begin on July 1 of each year and end on June 30 of the following year. Each scholastic month shall consist of twenty days. Each scholastic week shall consist of five school days.

Each school year within the Gadsden City School District shall meet all minimum standards set forth in the Alabama School Code and those established by the State Board of Education. Each school year shall consist of 187 days of which the Gadsden City Board of Education shall be authorized to designate certain days for the professional development of employed personnel. A total of 180 instructional days, with each day having at least six hours of instruction exclusive of recess or lunch periods, shall be included in each year's adopted school calendar for the ensuing scholastic year.

The Superintendent of Education shall assure that the above school year requirements are implemented within the Gadsden City School District.

The length of the scholastic year shall be revised as necessary to comply with statutory requirements or policies of the State Board of Education.

Ref: Code of Alabama, 16-1-1; State Board of Education Regulations Bulletin, 1975; Marshall County Board of Education v. State ex. rel. Williams, 252 Ala. 547, 42 So. 2d 24 (1949). For powers of State Board of Education, see Code of Ala., 16-3-12; Lee v. Macon County Board of Education, 267 F. Supp. 458 (M.D. Ala. 1967); Keller v. State Board of Education, 236 Ala. 400, 183 So. 2d (1938); 78 CJS., "Schools and School Districts," Sect. 90.

Policy AEA: School Calendar**Gadsden City Schools****Original Adopted Date:** 07/10/2012**Status:** ADOPTED

The Board shall approve a calendar for each school year which shall provide for a minimum of 180 teaching days. The seven additional days of the 187 day contract year shall be scheduled by the Superintendent and the Board of Education as necessitated by external forces which impinge upon the operation of the schools.

Saturday meetings will be avoided whenever possible.

The school calendar for each ensuing scholastic year shall be prepared by the Gadsden City Superintendent of Education and presented to the Board of Education during the spring of each scholastic year.

The calendar shall include, but not be limited to, the days school shall be in session, holidays and vacation periods, professional development and in-service days or activities, and dates marking such academically-oriented information as examination dates, graduation dates, dates which indicate the beginning and end of respective reporting periods relative to grades or attendance. Following approval by the Gadsden City Board of Education, the adopted calendar shall be widely disseminated throughout the School District. Ultimately, adopted school calendars may also include working days for all administrative, supervisory, secretarial, maintenance, and custodial personnel.

Ref: Personnel Policies: Ala. Code 16-11-9.

Policy AEB: Extended School Year**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

The Board shall extend the school year when necessary to meet the minimum requirements as set forth in the Alabama School Code and State Board of Education rules and regulations governing the number of days schools shall be in session.

Ref: Alabama Code 16-1-1, 16-11-9.

Policy AEBA/IDCA: Summer Sessions**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

It is the policy of the Gadsden City School System that summer school programs will be offered as needed. The Superintendent will recommend to the Board of Education each spring the type of summer school program deemed necessary. Course credit earned in the summer school program may be applied as credit for graduation. Summer school credit earned in state approved summer school programs outside the Gadsden City School System may be applied, at the discretion of the local principal and superintendent, as credit for graduation from the Gadsden City School System.

Ref: Ala. Code 16-8-10, 16-11-18.

Policy AF: School Day**Gadsden City Schools****Original Adopted Date:** 07/10/1990**Status:** ADOPTED

The school day shall consist of six (6) hours (360 minutes) of instructional time per day. This instructional time shall not be interrupted by unscheduled visitors, extracurricular activities, or fund-raising activities. Only emergency public address announcements shall be made during periods of instruction.

It is the responsibility of each principal to assure that this instructional requirement is adhered to and to assure that students are not released from classes for reasons other than those identified as instructional purposes.

Policy AFC/EBBD: Emergency Closing**Gadsden City Schools****Original Adopted Date:** 07/10/1990 | **Last Revised Date:** 07/10/2012 | **Last Reviewed Date:** 07/10/2012**Status:** ADOPTED

The Gadsden City Board of Education shall authorize the Superintendent or his designee to announce the closing of schools if prevailing or potential hazards threaten the safety and well-being of pupils and employees. The decision to close schools shall be made by the Superintendent or his designee after conferring with community agencies responsible for the safety and well being of the community, including but not limited to: EMA, weather media outlets, other school systems and officials. Public announcements and releases to news media shall be made by the Superintendent or his designee.

Ref: Ala. Code 16-8-8, 16-8-9, 16-11-9.
