

## A - SCHOOL DISTRICT ORGANIZATION

AA School District Legal Status

### **School Board Legal Status**

ABA Authority

ABB Powers and Duties

ABCA Numbers

ABCD Method of Election

ABCDA Unexpired Term Fulfillment

ABD School Superintendent Legal Status

ADA School Census

AE School Year

AEA School Calendar

AF School Day

AFC Emergency Closings

## SCHOOL DISTRICT LEGAL STATUS

The Phenix 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 to the Alabama Constitution of 1901 which states, A. . . 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 school district consisting of all of Phenix City, is under the exclusive control and management of the Phenix City Board of Education, a body duly authorized by the State Legislature. Consequently, the Board is responsible for the general administration and supervision of the city schools and shall operate the school system in accordance with all applicable constitutional and statutory provisions and requirements of the State of Alabama and the United States.

Ref: Ala. Const. Amend. III; Ala. Code 16-11-2.

## **AUTHORITY**

The State Legislature has granted the Board of Education authority for the proper administration and management of the free public schools within the school district. The Board shall also have the authority to determine and establish written educational policy for the city and shall prescribe such rules and regulations for the conduct and management of the schools as deemed necessary.

Ref: Ala. Const. Amend. III; Ala. Const. art. XIV, 256, Ala. Code 16-11-9, 16-11-12, 16-11-18.

## **POWERS AND DUTIES**

The Phenix City Board of Education is vested with the responsibility and authority to establish policies for the administration and management of the public schools in Phenix City.

The Board shall act as a legislative body in the determination of policies for the control, operation, maintenance and improvement of the school system. On certain occasions the Board shall serve as a judicial body to hear complaints and appeals of administrative decisions from employees, pupils and/or patrons.

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

1. To operate as a Board rather than as individuals in the determination of general policies for the control, operation, maintenance, and improvement of the schools.

2. To develop policies to guide the administration of the public schools, relying on the Superintendent and members of the administrative staff to keep it informed of all matters which are pertinent to policy making, to serve the Board in an advisory capacity in shaping new policies, and in the evaluation of policies already in operation.
3. To make appraisal of the administrative functions of the Superintendent and his staff in executing Board policies.
4. To engage in a continuing program of evaluation of the total school system as a means of determining if the schools are adequately and effectively meeting the individual needs of boys and girls and the needs of the community.
5. To interpret, with the cooperation of the Superintendent and the staff, the accomplishments, purposes, problems, needs and the total program of the schools to the public.
6. To make decisions of a judicial nature, such as the expulsion of a pupil (with recommendation of Superintendent) whose conduct jeopardizes the general welfare of the school.
7. To render decisions on questions, problems, grievances, and protests brought to the attention of the Board by the Superintendent or other employees of the Board; that is, to act as a court of final appeal for teachers, principals, supervisors, and patrons.
8. To select the chief executive officer, set his tenure and salary, and support him in the discharge of his duties.
9. To pass upon the annual financial budget prepared by the Superintendent and his assistants.
10. To act upon all personnel recommendations made by the Superintendent to the Board with reference to employment, promotion and dismissal.
11. To determine a schedule of salaries for employees after consultation and discussion with and upon the recommendation of the Superintendent.

12. To select architects and to consider and act upon all building needs and plans for new buildings, additions, or alterations to old buildings.
13. To insure all school buildings and their contents against hazards and risks as required by the State of Alabama.
14. To provide sufficient research and study to determine future building needs and to plan programs of in-service to help individual members understand the state constitution, state statutes, court decisions, and Federal laws in regard to building programs as well as all other phases of the school program.
15. To inform the citizens of the Community and the Legislature of the needs of the schools.

Ref: Ala. Code 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.

**NUMBERS**

The Board of Education shall be composed of seven members, who shall be appointed to five year terms by the city governing body and the term of at least one member shall expire annually.

Ref: Ala. Code 16-11-3; Act 929 of Alabama Legislature.

## **METHOD OF ELECTION**

Members of the Board of Education by law shall be appointed at the first regular meeting of the city governing authority in the month of April of each year to succeed those whose term or terms of office expire that year. The city governing authority shall fill unexpired terms within 30 days. The newly appointed Board members shall assume office at the first regularly scheduled Board meeting following the appointment.

An incumbent may continue in office after the expiration of his official term and pending the selection and qualification of his successor. Board members may succeed themselves.

Ref: Ala. Code 16-11-3.

**UNEXPIRED TERM FULFILLMENT**

In the event a vacancy occurs in the membership of the Board, the fact shall be reported to the city governing authority by the Board, and said authority shall elect a person to fill such vacancy for the unexpired term.

Ref: Ala. Code 16-11-3.

## **SCHOOL SUPERINTENDENT LEGAL STATUS**

The Superintendent of Education of the Phenix City school district is a constitutional school officer as provided in the Constitution and laws of the State of Alabama. As such, he has certain authorities and functions which are provided for by law.

The Superintendent of Education is appointed by the Board for a term of office as the Board may determine. The Board has the authority to fix the above contract of employment and set the compensation and fringe benefits which are applicable to the Superintendent. The Board may, in lieu of stipulating an expense account, include said amount in the compensation of the Superintendent.

The Superintendent is the chief executive officer and secretary of the Phenix City Board of Education. He is responsible to the Board of Education for the efficient administration of the school district according to the laws governing the school district and the policies which are adopted by the State Board of Education and the City Board of Education. His discharge of duties shall be of such caliber as to assure that the quality of the school district's educational program is consonant with legislative intent, needs of students and employees, and commensurate with changing needs of the local citizenry.

As Secretary of the Board of Education, the Superintendent of Education conducts all correspondence of the Board, keeps and preserves all the Board's records, receives all reports required by the Board, and sees that such reports are in proper form, complete and accurate. The

Superintendent attends all Board of Education meetings and has the right to advise on any motion under consideration, but does not have a vote. He keeps, or causes to be kept, an accurate copy of all minutes in an official minutes book reflecting all business of the Board conducted at regular or special meetings. As Secretary of the Board, the Superintendent sees that copies of all minutes are provided to all Board members and that the official Board minutes are made available for public examination in accordance with State Law.

The Superintendent of Education shall give bond in an amount fixed by the State Superintendent of Education with a surety company duly authorized to do business in Alabama conditioned upon the faithful performance of the duties of his office and upon the accounting and paying over to the proper authority of all monies coming into his hands. Said bond must be approved by the State Superintendent of Education and a certified copy placed on file in the office of the State Department of Education.

Ref: Ala. Code 16-12-1, 16-12-3, 16-11-7, 11-2-1, 11-2-3, 36-5-1.

## **SCHOOL CENSUS**

The Board shall cause to be taken under the direction of the Superintendent of Education a quadrennial census of the school children in the City, between the ages of six (6) and nineteen (19) years of age. Said census shall be taken during the month of July in accordance with directives of the State Superintendent of Education. The Superintendent shall be authorized to employ enumerators sufficient to complete the census-taking responsibility. Compensation of enumerators shall, upon recommendation of the Superintendent, be fixed by the board and paid out of the board funds.

Reports of the census-takers shall be made, under oath, to the Superintendent on or before the fifth day of August next succeeding the time at which the census has been taken. The Superintendent shall transmit such census data to the County Superintendent on or before August fifteenth of the years during which census data have been provided.

Ref. Ala. Code 16-11-10.

## **SCHOOL YEAR**

The Board of Education establishes that the scholastic year within the school district shall begin on July first of each year and end on June Thirtieth 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 school district shall meet all minimum standards set forth in state law and those established by the State Board of Education. Each school year shall consist of 187 days, of which the 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 school district through the official school calendar.

Ref: Code of Alabama 16-11-1; State Board of Education Regulations, Bulletin 13, 1975; Marshall County Board of Education v. State ex. rel. Williams. 252 Ala. 547, 42 So. 2d 24 (1979).

REVISED: 7/26/07

## **SCHOOL CALENDAR**

The Board shall approve a school calendar as prepared by the Superintendent to be released to the various schools in the District prescribing or announcing the opening and closing dates of all schools, legal holidays, reporting periods, dates on which official reports are due, etc. The school calendar should be announced from the Superintendent's office prior to the closing date of the preceding school year.

Ref. Ala. Code 16-11-9, 16-11-18.

## **SCHOOL DAY**

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

Ref: Ala. Code 16-1-1.

## **EMERGENCY CLOSINGS**

The Board authorizes the Superintendent to close the schools in event of hazardous weather or other emergencies which present threats to the safety of students, school staff members, or school property. Public announcements and releases to news media shall be made by the Superintendent or his designee.

Ref: Ala. Code 16-11-9.