

STATE BOARD OF EDUCATION
STATE DEPARTMENT OF EDUCATION
ADMINISTRATIVE CODE

CHAPTER 290-4-1
EDUCATION ACCOUNTABILITY

TABLE OF CONTENTS

290-4-1-.01 Education Accountability

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(1) The State Superintendent of Education is authorized to carry out the review, examination and supervisory responsibilities as prescribed in the Code of Ala. 1975, and to require reasonable and appropriate reports and to conduct hearings for the purpose of ensuring that due process requirements are met.

(2) Academic Assistance Program. Detailed policies and procedures for the Academic Assistance Program are found in the *Alabama Consolidated Application Accountability Workbook for State Grants under Title IX, Part C, Section 9302 of the Elementary and Secondary Education Act (Public Law 107-110) and Rewards And Sanctions Plan, Alabama Accountability System.*

(3) Financial Assistance Program. Local superintendents of education are required to prepare for the local boards of education annual budgets and financial statements, monthly financial reports, and other related documents for review and approval, as required by the State Department of Education and state laws.

(a) The State Superintendent of Education shall oversee the financial integrity of local boards of education and shall appoint a Chief Education Financial Officer.

1. The Chief Education Financial Officer shall be responsible for the collection and analysis of financial reports and other related documents required to assess the financial integrity of local boards of education.

2. The Chief Education Financial Officer shall prepare reports on the financial integrity of local boards of education.

3. The Chief Education Financial Officer shall assist local boards of education whose financial position is deteriorating.

4. The Chief Education Financial Officer shall be bonded in the amount of \$100,000.

(b) Unsound Financial Condition - Alert and Assistance. The State Department of Education shall provide assistance and advice if an analysis of the financial integrity of a local board of education determines the financial reports are fiscally unsound.

(c) Unsound Financial Condition - Continuous Assistance. If during the assistance the State Superintendent determines the local board of education is in an unsound financial condition, the State Superintendent will appoint a person to provide on-site continuous advice on the day-to-day financial operations of the local board.

(d) Unsound Financial Condition - Intervention. If after a reasonable period of on-site continuous assistance, a local board remains in an unsound financial condition, the State Superintendent shall request approval by the State Board of Education to have direct control of the fiscal operation of the local board. If the request is approved, the State Superintendent shall present to the State Board of Education a proposal for the implementation of management controls necessary to restore the local board to a sound financial condition. Upon the approval of the State Board of Education, the State Superintendent shall appoint a chief financial officer to manage the financial operations of the local board, until the fiscal condition of the local board is restored.

1. The chief financial officer will have the right of approval of every action affecting the expenditure of funds.

2. The chief financial officer shall be bonded and shall not be required to have approval of the local superintendent in the control of the local board's funds.

3. The State Superintendent shall have the authority to review decisions of the chief financial officer and the local board.

4. The chief financial officer shall assume the duties established for local superintendents of education relating to fiscal operations of local boards of education pursuant to applicable Alabama statutory requirements, rules and regulations of the State Board of Education, and other requirements such as

federal regulations, opinions of the Attorney General of Alabama, opinions of the Examiners of Public Accounts, and the interpretations of the State Superintendent of Education.

5. The State Superintendent may direct and approve actions:

(i) To prevent further deterioration in the financial condition of the local board.

(ii) To restore the local board to financial stability.

(iii) To enforce compliance with statutory, regulatory, and other financial standards and requirements.

(4) School Safety and Discipline Accountability. The State Board of Education will utilize one or both of the following criteria to determine if intervention by the State Superintendent is necessary as required by the Code of Ala. 1975, §16-6B-5:

(a) Failure of a school or school system to develop and implement the policies, rules, laws, and regulations relative to school safety and discipline as published and disseminated annually by the State Superintendent.

(b) Failure of a school or school system to respond to legitimate and documented school safety and discipline concerns/incidents as determined by the State Superintendent after investigating the concerns/incidents. The State Superintendent will investigate the following requests/incidents to determine if assignment of SDE personnel to a school or school system for school safety and discipline assistance is warranted:

1. A written request by official action of a local parent/professional/community organization (e.g., PTA/PTO; ACSAS; civic club), or by a majority of the employees of a school or school system to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

2. A written request by official action of a school sanctioned student organization to the State Superintendent with evidence that a request was first submitted to the school principal; secondly, the school system superintendent; and thirdly, the local board of education relative to specific school

safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

3. A written request by a local school principal with evidence that a request was first submitted to the local school superintendent and next, to the local board of education relative to specific school safety and discipline issues and no action was taken or action was inadequate as determined by the State Superintendent.

4. An official request by a local superintendent of education.

5. An official request by a majority vote of a local board of education.

6. A person is killed or seriously injured at school or a school related activity as a result of a violent act.

(5) Release from Financial or School Safety & Discipline Intervention. Intervention for financial and/or school safety and discipline reasons shall remain in place until such time as either condition improves to an acceptable standard as determined by the State Superintendent. A local board may petition the State Board of Education for release from the state intervention by showing acceptable improvement on financial stability, safety and discipline, or for other just cause. The State Board, following a hearing, shall have final determination on the matter of release from state intervention.

(6) Alabama Educator Code of Ethics. Schools and school systems are responsible for ensuring that all educators and other school employees who have contact with children are familiar with and act in accordance with the Alabama Educator Code of Ethics.

(a) Introduction. The primary goal of every educator in the state of Alabama must, at all times, be to provide an environment in which all students can learn. In order to accomplish that goal, educators must value the worth and dignity of every person, must have a devotion to excellence in all matters, must actively support the pursuit of knowledge, and must fully participate in the nurturance of a democratic citizenry. To do so requires an adherence to a high ethical standard.

The Alabama Educator Code of Ethics defines the professional behavior of educators in Alabama and serves as a guide to ethical conduct. The code protects the health, safety and general welfare of students and educators; outlines objective standards of conduct for professional educators; and clearly defines actions

of an unethical nature for which disciplinary sanctions are justified.

~~(b) Standard 1: Professional Conduct An educator should demonstrate conduct that follows generally recognized professional standards.~~

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Encouraging and supporting colleagues in the development and maintenance of high standards.~~

~~(ii) Respecting fellow educators and participating in the development of a professional and supportive teaching environment.~~

~~(iii) Engaging in a variety of individual and collaborative learning experiences essential to developing professionally in order to promote student learning.~~

~~2. Unethical conduct is any conduct that impairs the certificate holder's ability to function in his or her employment position or a pattern of behavior that is detrimental to the health, welfare, discipline, or morals of students. Unethical conduct includes, but is not limited to, the following:~~

~~(i) Harassment of colleagues.~~

~~(ii) Misuse or mismanagement of tests or test materials.~~

~~(iii) Inappropriate language on school grounds.~~

~~(iv) Physical altercations~~

~~(v) Failure to provide appropriate supervision of students.~~

~~(c) Standard 2: Trustworthiness An educator shall not engage in unethical conduct. An educator should exemplify honesty and integrity in the course of professional practice.~~

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Properly representing facts concerning an educational matter in direct or indirect public expression.~~

~~(ii) Advocating for fair and equitable opportunities for all children.~~

~~(iii) Embodying for students the characteristics of intellectual honesty, diplomacy, tact, and fairness.~~

2. Unethical conduct includes, but is not limited to, the following:

(i) Falsifying, misrepresenting, omitting, or erroneously reporting professional qualifications, criminal record, or employment history when applying for employment or certification.

(ii) Falsifying, misrepresenting, omitting, or erroneously reporting information submitted to federal, state, and/or other governmental agencies.

(iii) Falsifying, misrepresenting, omitting, or erroneously reporting information regarding the evaluation of students and/or personnel.

(iv) Falsifying, misrepresenting, omitting, or erroneously reporting reasons for absences or leaves. Falsifying, misrepresenting, omitting, or erroneously reporting information submitted in the course of an official inquiry or investigation.

(d) Standard 3: Unlawful Acts An educator ~~should abide by federal, state, and local laws and statutes.~~ may not commit or be convicted

- of a felony or of any crime involving moral turpitude. As used herein, conviction includes a finding or verdict of guilty, or a plea of nolo contendere, regardless of whether an appeal of the conviction has been sought or a situation where first offender treatment without adjudication of guilt pursuant to the charge was granted.

(e) Standard 4: An educator^{or} ~~shall not: Teacher/Student Relationship An educator should always maintain a professional relationship with all students, both in and outside the classroom.~~

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Fulfilling the roles of trusted confidante, mentor, and advocate for students' growth.~~

~~(ii) Nurturing the intellectual, physical, emotional, social, and civic potential of all students.~~

~~(iii) Providing an environment that does not needlessly expose students to unnecessary embarrassment or disparagement.~~

~~(iv) Creating, supporting, and maintaining a challenging learning environment for all students.~~

~~2. Unethical conduct includes, but is not limited to, the following:~~

(i) ~~Committing~~ Commit any act of child abuse, including physical or verbal abuse.

(ii) ~~Committing~~ Commit any act of cruelty to children or any act of child endangerment.

(iii) ~~Committing~~ Commit or ~~soliciting~~ solicit any unlawful sexual act.

(iv) ~~Engaging~~ Engage in harassing behavior on the basis of race, gender, national origin, religion, or disability.

(v) ~~Soliciting, encouraging~~ Solicit, encourage, or ~~consummating~~ Consummate an inappropriate written, verbal, or physical relationship with a student.

(vi) ~~Furnishing~~ Furnish tobacco, alcohol, or illegal/unauthorized drugs to any student or allowing a student to consume alcohol or illegal/unauthorized drugs.

(f) Standard 5: Alcohol, Drug and Tobacco Use or Possession ~~An educator should refrain from the use of alcohol and/or tobacco during the course of professional practice and should never use illegal or unauthorized drugs.~~ shall not:

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Factually representing the dangers of alcohol, tobacco and illegal drug use and abuse to students during the course of professional practice.~~

~~(ii) Unethical conduct includes, but is not limited to, the following:~~

(i) Being Be under the influence of, possessing possess, using use, or consuming consume illegal or unauthorized drugs during the course of the professional practice.

(ii) ~~Being~~ Be on school premises or at a school-related activity involving students while documented as being under the influence of, ~~possessing~~ possess, or ~~consuming~~ consume alcoholic beverages or using tobacco. A school-related activity includes, but is not limited to, any activity that is sponsored by a school or a school system or any activity designed to enhance the school curriculum such as club trips, etc., where students are involved.

(g) Standard 6: Public Funds and Property An educator entrusted with public funds and property ~~should honor that trust with a high level of honesty, accuracy, and responsibility.~~ shall not:

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Maximizing the positive effect of school funds through judicious use of said funds.~~

~~(ii) Modeling for students and colleagues the responsible use of public property.~~

~~2. Unethical conduct includes, but is not limited to, the following:~~

(i) ~~Misusing~~ Misuse public or school-related funds.

(ii) ~~Failing~~ Fail to account for funds collected from students or parents.

(iii) ~~Submitting~~ Submit fraudulent requests for reimbursement of expenses or for pay.

(iv) ~~Co-mingling~~ Co-mingle public or school-related funds with personal funds or checking accounts.

(v) Using school property without the approval of the local board of education/governing body.

(h) Standard 7: Remunerative Conduct An educator ~~should maintain integrity with students, colleagues, parents, patrons, or businesses when accepting gifts, gratuities, favors, and additional compensation.~~ shall not

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Insuring that institutional privileges are not used for personal gain.~~

~~(ii) Insuring that school policies or procedures are not impacted by gifts or gratuities from any person or organization.~~

~~2. Unethical conduct includes, but is not limited to, the following:~~

(i) ~~Soliciting~~ Solicit students or parents of students to purchase equipment, supplies, or services from the educator or to participate in activities that financially benefit the educator unless approved by the local governing body.

(ii) ~~Accepting~~ Accept gifts from vendors or potential vendors for personal use or gain where there appears to be a conflict of interest.

(iii) ~~Tutoring~~ Tutor students assigned to the educator for remuneration unless approved by the local board of education.

(i) ~~Standard 8: Maintenance of Confidentiality~~
An educator ~~should comply with state and federal laws and local school board policies relating to confidentiality of student and personnel records, standardized test material, and other information covered by confidentiality agreements.~~ shall not

~~1. Ethical conduct includes, but is not limited to, the following:~~

~~(i) Keeping in confidence information about students that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law.~~

~~(ii) Maintaining diligently the security of standardized test supplies and resources.~~

~~2. Unethical conduct includes, but is not limited to, the following:~~

(i) ~~Sharing~~ Share confidential information concerning student academic and disciplinary records, health and medical information, family status/income, and assessment/testing results unless disclosure is required or permitted by law.

(ii) ~~Violating~~ Violate confidentiality agreements related to standardized testing including copying or teaching identified test items, publishing or distributing test items or answers, discussing test items, and violating local school system or state directions for the use of tests or test items.

(iii) ~~Violating~~ Violate other confidentiality agreements required by state or local policy.

~~(j) Standard 9: Abandonment of Contract An educator should fulfill all of the terms and obligations detailed in the contract with the local board of education or educational agency for the duration of the contract.~~

~~1. Unethical conduct includes, but is not limited to, the following:~~

~~(i) Abandoning the contract for professional services without prior release from the contract by the employer;~~

~~(ii) Refusing to perform services required by the contract.~~

(k) Reporting

~~1. Educators are required to report a breach of one or more of the Standards in the Alabama Educator Code of Ethics as soon as possible, but no later than sixty (60) days from the date the educator became aware of the alleged breach, unless the law or local procedures require reporting sooner. Educators should be aware of their local school board policies and procedures and/or chain of command for reporting unethical conduct. Complaints filed with the local or state school boards, or with the State Department of Education Teacher Certification Section, must be filed in writing and must include the original signature of the complainant.~~

2. As prescribed in the Code of Ala. 1975 each Superintendent shall submit to the State Superintendent of Education within ten calendar days of the decision, the name and social security number of each employee holding an Alabama certificate or license who is terminated, or nonrenewed, resigns, or is placed on administrative leave for cause, and shall indicate the reason for such action.

(l) Disciplinary Action Disciplinary action shall be defined as the issuance of a reprimand or warning, or the suspension, revocation, or denial of certificates. "Certificate" refers to any teaching, service, or leadership certificate issued by the authority of the Alabama State Department of Education.

1. Authority of the State Superintendent of Education as prescribed in the Code of Ala. 1975

(i) The Superintendent shall have the authority under existing legal standards to:

(I) Revoke any certificate held by a person who has been proven guilty of immoral conduct or unbecoming or indecent behavior in Alabama or any other state or nation in accordance with Ala. Code §16-23-5(1975).

(II) Refuse to issue a certificate to an applicant whose certificate has been subject to adverse action by another state until after the adverse action has been resolved by that state.

(III) Suspend or revoke an individual's certificate issued by the Superintendent when a certificate or license issued by another state is subject to adverse action.

(IV) Refuse to issue, suspend, or recall a certificate for just cause.

~~2. Any of the following grounds shall also be considered cause for disciplinary action:~~

~~I. Unethical conduct as outlined in the Alabama Educator Code of Ethics, Standards 1-9.~~

~~II. Order from a court of competent jurisdiction.~~

~~III. Violation of any other laws or rules applicable to the profession.~~

~~IV. Any other good and sufficient cause.~~

3. An individual whose certificate has been revoked, denied, or suspended may not be employed as an educator, paraprofessional, aide, or substitute teacher during the period of his or her revocation, suspension, or denial.

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Statutory Authority: Ala. Const. amend. 284, Code of Ala. 1975, §§16-4-8, 16-6B-3, 16-6B-4, 16-6B-6.

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Ed. Note: The entire Chapter 290-040-010, Education Accountability, has been renumbered Chapter 290-4-1, Education Accountability, as specified on the certification filed July 18, 1996.