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Department Name:	Gen Counsel & Legal Advocacy
Date Email Sent:	9/12/19
Email Subject Line:	Reminders: AEA Memo on Policy Adoption/Meet and Confer
Recipient Groups:	BPs, Supers, Super Secretaries and BAs

Email body:



ALABAMA
ASSOCIATION OF
SCHOOL BOARDS

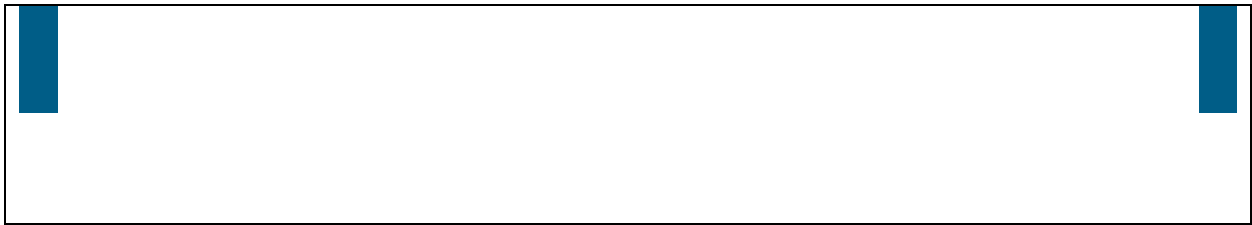
This email is being sent to all Board Presidents, Superintendents, Superintendent Assistants and Board Attorneys.

We've heard from a number of you about notices you've received from AEA requesting that you give the local Uniserv director 30 days' notice before any policy adoption or amendment. You are not required to comply with that request as written. Here's what you need to remember about *Ala. Code* §16-1-30 also known as "meet and confer":

- Notify the local Uniserv Director of any changes in policy, but no particular timeframe is required. For most policies, a reasonable timeframe is 10-14 days before the board will vote. If you're adopting a large number of policies at once, it would be appropriate to give them more time to review the policies;

- While we call the law "meet and confer", there's no requirement for an actual meeting. The law only provides that we give the Uniserv notice of policy changes and the opportunity to submit written comments. Actual meetings are at the option of the superintendent/policy personnel.
- When you give the Uniserv Director notice, do so in writing. While the law does not require this written notice, a simple cover letter will be your evidence that you followed the law. Make sure you give the Uniserv Director a date to give you any written comments, e.g. a few days before the board will vote on the policy change;
- You can send proposed policies by mail or email;
- The Uniserv Director must be given the opportunity to comment on the policy proposals in writing, but they do not have to consent to the proposals and we don't have to change our proposals based on their request. Changing policy proposals are the option of the Superintendent;
- The AEA request states that they only want policies that impact employees, but this is not consistent with the law. The Uniserv Director must be sent ALL policies, even those that have no bearing on employees, e.g. student policies, Code of Student Conduct, finance policies, etc. While we appreciate that they may not want to review or even receive policies that are irrelevant to their membership, we must comply with the law which says that we must send the Uniserv Director all policies, no matter the subject;
- "Policy matters" cover more than the documents in our policy manuals. For example, salary schedules, school calendars and the Code of Student Conduct have been deemed to be policy so make sure you follow the "meet and confer" process for those items as well; and
- Once the board is ready to adopt the proposed policy, they can do so without laying it on the table for 30 days or any other procedure. The only exception is if your local board has a policy requiring these extra steps.

As always, contact your local counsel for legal advice and call us if you have any questions. Thanks!



Attachments (if any):

