

Policy Committee Agenda
August 18, 2026
4:30pm

Revision Key: Additions-double underline
Deletions- ~~strikethrough~~
General Statute changes- red
NCSBA changes- yellow highlight
Lee County Schools changes- blue
Attorney Rawson recommendations- green

Agenda Topics

Welcome and Call to Order.....Chris Gaster
Approval of August 18, 2026 Agenda.....Chris Gaster
Approval of May 19, 2026 Minutes.....Chris Gaster

POLICIES FOR REVIEW-NORTH CAROLINA SCHOOL BOARDS ASSOCIATION

- I. Required Updates.....Ricky Secor**
3200 Selection of Instructional and Supplementary Materials
3210 Parental Inspection of and Objection to Instructional and Supplementary Materials
3510 Religious-Based Exemptions from School Programs
5150/7313 Reporting to External Agencies
6442 Vendor Lists
9115 Prequalification of Bidders for Construction Projects
9120 Bidding for Construction Work
- II. Strongly Recommended Updates.....Ricky Secor**
6420 Contracts with the Board
- III. Rescinding Policies.....Ricky Secor**
6402 Participation by Historically Underutilized Businesses
9125 Participation by Minority Businesses
- IV. Adjourn.....Chris Gaster**

*Required means either (1) the provisions are required by law to be addressed in policy or (2) the modifications must be made to ensure the policy reflects current law. **Strongly recommended** means the provisions are required by law, but they do not have to be addressed in policy, although NCSBA strongly recommends that the provisions be added to policy. **Recommended** means the provisions are not required by law, but NCSBA considers them good practice.*

Summer 2026 Policy Updates

Updated Policy	Policy Title	Description of Updates	Legal Authority Involved	Notes
3200	Selection of Instructional <u>and</u> Supplementary Materials	- Updates the title and language throughout the policy to align with new statutory terminology and requirements. (Required – see note) - Updates legal references. (Strongly recommended) - Updates cross references. (Required)	S.L. 2026-41, sec. 7.4; G.S. ch. 115C, art. 8, pt. 3	The 2026 Appropriations Act has eliminated the state Textbook Commission, replaced the term “textbook” with “instructional materials,” and charged local boards with adopting policies concerning local selection and procurement of instructional materials. The selection process provided in subsection A.1 may be modified.
3210	~~Parental~~ Inspection of and Objection to Instructional <u>and</u> Supplementary Materials	- Updates the title and language throughout the policy to align with new statutory terminology and requirements. (Required – see note) - Updates legal references. (Strongly recommended) - Updates cross references. (Required)	S.L. 2026-41, sec. 7.4; G.S. ch. 115C, art. 8, pt. 3	The process provided in subsection B.1.b. is required by G.S. 115C-98.5. We recommend the board work with its board attorney if making modifications (for example, limiting how frequently a specific material may be challenged within a particular time period).
3510	Religious-Based Exemptions from School Programs	- Reorganizes and revises the policy to include new statutory requirements regarding released time religious instruction. (Required – see note) - Updates legal references. (Strongly recommended) - Updates cross references. (Recommended)	S.L. 2026-41, sec. 7.54; G.S. 115C-47(33d), -407.45	This policy limits released time religious instruction to one hour per week. The board may increase this up to four hours per week. The other restrictions described in subsection B.3 are optional and may be modified. Alternatively, the board may grant the authority to the superintendent or principal to establish limitations on the frequency and duration of released time religious instruction as well as on the times of day or instructional periods during which it may occur. Any limitations must be reasonable, applied consistently to all released time religious instruction requests, and ensure that requests will not be treated differently based on the religious affiliation of the instruction.
5150/7313	Reporting to External Agencies	- Adds references to driver education instructor reporting requirements. (Recommended) - Removes Section J. (Required – see note) - Updates cross references. (Recommended)	16 N.C.A.C. 6E .0302; SBE Policy DRIV-003 S.L. 2026-41, sec. 22.5	16 N.C.A.C. 6E.302(d) requires each public school unit to report to DPI the status of each of its driver education instructors no later than July 1 of each year and to report if a driver has lost driving privileges in NC or another state. This policy reflects these requirements.

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Summer 2026 Policy Updates

6402	Participation by Historically Underutilized Businesses	Repeals this policy. (Required)	S.L. 2026-41, sec. 22.5	The 2026 Appropriations Act has eliminated the Office for Historically Underutilized Businesses (HUB) and repealed related statutory provisions.
6420	Contracts with the Board	- Adds a statement in Section A to emphasize that the total value of a contract or expenditure may not be divided to avoid requiring board approval. (Strongly recommended) - In Section D, adds a contract requirement for the procurement of instructional materials. (Strongly recommended) - Updates legal references. (Strongly recommended) - Updates cross references. (Recommended)	S.L. 2026-41, sec. 7.4; G.S. 115C-98	
6442	Vendor Lists	- Updates the second paragraph based on statutory changes. (Required – see note to policy 6402) - Updates legal references. (Strongly recommended) - Updates cross references. (Required)	S.L. 2026-41, sec. 22.5	
9115	Prequalification of Bidders for Construction Projects	- Updates the language in subsection C.2 based on statutory changes. (Required – see note to policy 6402) - Fixes a typo in subsection F.3. (Recommended)	S.L. 2026-41, sec. 22.5	
9120	Bidding for Construction Work	- Deletes language in Section A based on statutory changes. (Required – see note to policy 6402) - Updates cross references. (Required)	S.L. 2026-41, sec. 22.5	
9125	Participation by Minority Businesses	Repeals this policy. (Required – see note to policy 6402)	S.L. 2026-41, sec. 22.5	

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**Lee County Board of Education
Policy Committee Meeting
Assembly Room, Basement
Heins Education Building
May 19, 2026
4:30pm**

Members Present:

Marcus Mason-Lee County Board of Education Member; Policy Committee-Member
Sherry Womack-Lee County Board of Education Chairman
Dr. Chris Dossenbach-Superintendent
Dr. Natalie Kelly-Assistant Superintendent of Curriculum and Instruction
Dr. Lisa Duffey-Executive Director of Student Services
Stefanie Clarke-Executive Director of Accountability, Planning, and Performance
Patricia Coldren-Executive Director of Human Resources
Ricky Secor-Director of Federal Programs
Wendy Perrell-Principal, Broadway Elementary School
Aimee Petrarca-Principal, West Lee Middle School
Susan P. Britt-Administrative Assistant

Members Present Remotely:

Stephen Rawson-Board Attorney

In the absence of Chris Gaster, Chairman of the Policy Committee, the meeting was called to order by Sherry Womack, Board Chairman.

Approval of May 19, 2026 Agenda-The May 19, 2026, agenda was approved.

Approval of April 21, 2026 minutes-The April 21, 2026, minutes were approved.

Policies for Review

Lee County Schools Proposed Policy Update

Policy 3320-School Trips

Mr. Mason made the motion to accept the policy recommended updates for submission to the Board for first reading on June 9, 2026. The motion was seconded by Sherry Womack, and approved unanimously.

North Carolina School Boards Association Recommended Update

Policy 4318-Wireless Communication Devices

Due to concerns expressed by Mr. Mason regarding the NCSBA-recommended policy, a revised version of Policy 4318 was presented to the committee for review. Following discussion by the committee, the revised policy was withdrawn.

Mr. Mason made the motion to accept the NCSBA recommended updates for Policy 4318 for submission to the Board for second reading on June 9, 2026. The motion was seconded by Sherry Womack, and approved unanimously.

There being no further business, the meeting was adjourned at 5pm.

SELECTION OF INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Policy Code:

3200

In order to help fulfill the educational goals and objectives of the school district, the board strives to provide instructional and supplementary materials which shall enrich and support the curriculum and enhance student learning. Instructional and supplementary materials should be representative of the rich diversity of our nation and appropriate for the maturity levels and abilities of the students.

Instructional materials constitute all materials, whether print, non-print, digital or any combination thereof, used in the instructional program. For purposes of this policy, instructional materials will be divided into two categories: textbooks and supplementary materials.

A. SELECTION OF ~~TEXTBOOKS~~ INSTRUCTIONAL MATERIALS

Textbooks Instructional materials are systematically organized materials comprehensive enough to cover the primary objectives outlined in the ~~current statewide instructional standards~~ standard course of study for a grade or course. Formats for ~~textbooks~~ instructional materials may be print, ~~or~~ non-print ~~or digital media~~, including hardbound books, softbound books, activity-oriented programs, classroom kits, and ~~technology-based programs or materials~~ digital resources that require the use of electronic equipment in order to be used in the learning process. ~~Technology-based programs may include subscription or web-based materials.~~

1. Selection of Instructional Materials

Current ~~S~~state-approved ~~textbooks~~ instructional materials will be used as the primary means to help students meet the goals and objectives of the ~~standard course of study~~ current statewide instructional standards, unless the state-approved materials are no longer current or the board determines that it is otherwise preferable to use ~~approves~~ alternative instructional materials.

If state-approved instructional materials are no longer current or if the superintendent or a principal believes it would be preferable to use alternative instructional materials, the superintendent shall convene the central curriculum committee to review and recommend alternative instructional materials to the board. The superintendent shall establish procedures for the selection of instructional materials. Recommended instructional materials at a minimum must align with the standard course of study, be accurate, be grade-appropriate, allow for use by students with disabilities, and be compatible with existing resources. The central curriculum committee or a school through its school improvement plan may submit a request for the use of alternative textbooks. The request should identify how the committee or school has ensured that the curriculum will continue to be aligned

~~with the current statewide instructional standards and to meet the educational goals of the board.~~

2. Procurement Contracts

All contracts for procurement of instructional materials must include a clause granting the board the license to produce braille, large print, audiocassette tape, and other accessible copies of instructional materials for use in the school system.

B. **SELECTION OF SUPPLEMENTARY MATERIALS**

Supplementary materials are ~~instructional and learning resources which are selected to complement, enrich or extend the curriculum. Such resources include, for example, specialized materials selected to meet diverse needs or rapidly changing circumstances; library materials, digital resources, the school system's media collection, classroom collections and teacher-selected resources for individual classes.~~ print or nonprint materials used for instruction in classrooms not encompassed by the definition of instructional materials. Supplementary materials include supplementary textbooks, library books (see the definition of library books in policy 3210, Inspection of and Objection to Instructional and Supplementary Materials), periodicals, and audiovisual materials.

1. Objectives for Selection of Supplementary Materials

The procurement of materials must be accomplished in accordance with law, including the First Amendment of the United States Constitution; board educational goals; board purchasing and accounting policies; and established selection guidelines, including the Library Bill of Rights of the American Library Association. The objectives for the selection of supplementary materials are as follows:

- a. to provide a wide range of materials that will enrich and support the curriculum, taking into consideration the individual needs and varied interests, abilities, socio-economic backgrounds, learning styles and developmental levels of the students served;
- b. to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- c. to provide a background of information that will enable students to comprehend their role as citizens in society and to make intelligent judgments in their daily lives;
- d. to provide resources representing various points of view on controversial issues so that students as young citizens may develop, under guidance, the skills of critical thinking and critical analysis;

- e. to provide resources representative of the many religious, ethnic and cultural groups in our nation and the contributions of these groups to our American heritage; and
- f. to place principle above personal opinion and reason above prejudice in the selection of material of the highest quality in order to ensure a comprehensive collection appropriate for all users.

2. Process and Criteria for Selecting Supplementary Materials

The responsibility for the selection of supplementary materials is delegated to the professional staff under the direction of the superintendent and will be made primarily at the school level with the involvement of a school media and technology advisory committee. The committee shall be appointed by the principal and will include teachers and instructional support personnel representing various subject areas and grade levels, parents, and, if on-staff in the school, the library media coordinator and the technology facilitator. Students also should be involved when feasible.

The selection process used by the committee will include: (1) an evaluation of the existing collection; (2) an assessment of the available resource and curriculum needs of the school; and (3) consideration of individual teaching and learning styles. In coordinating the selection of resources, the committee should use reputable, unbiased selection tools prepared by professional educators and should arrange, when possible, for firsthand examination of resources to be purchased. When examining proposed materials, the committee should consider the following factors:

- a. the material's overall purpose, educational significance and direct relationship to instructional objectives and the curriculum and to the interests of the students;
- b. the material's reliability, including the extent to which it is accurate, authentic, authoritative, up-to-date, unbiased, comprehensive and well-balanced;
- c. the material's technical quality, including the extent to which technical components are relevant to content and consistent with state-of-the-art capabilities;
- d. the material's artistic, literary and physical quality and format, including its durability, manageability, clarity, appropriateness, skillfulness, organization and attractiveness;
- e. the possible uses of the material, including suitability for individual, small group, large group, introduction, in-depth study, remediation and/or

enrichment;

- f. the contribution the material will make to the collection's breadth and variety of viewpoints;
- g. recommendations of school personnel and students from all relevant departments and grade levels; and
- h. the price of the material weighed against its value and/or the need for it.

3. Materials Brought in by Teachers

Principals shall establish rules concerning what materials may be brought in by teachers without review. Principals are encouraged to involve teachers in establishing these rules.

C. REMOVAL OF OUTDATED SUPPLEMENTARY MATERIALS

To ensure that the supplementary media collection remains relevant, the school media and technology professionals, assisted by the media and technology advisory committee, will routinely review materials to determine if any material is obsolete, outdated, or irrelevant. The school media and technology advisory committee should remove materials no longer appropriate and replace lost, damaged, and or worn materials still of educational value. Materials may be removed only for legitimate educational reasons and subject to the limitations of the First Amendment. The superintendent may establish regulations that provide additional standards for removing supplementary materials to meet the educational needs of the school system. Requests by parents to remove supplementary media materials due to an objection to the materials will be reviewed pursuant to policy 3210, Parental Inspection of and Objection to Instructional and Supplementary Materials.

D. ACCEPTANCE OF GIFT MATERIALS

Supplementary materials offered as a gift will be reviewed pursuant to the criteria outlined in this policy; policy 8220, Gifts and Bequests; and any regulations established by the superintendent. Gift material may be accepted or rejected by the board based upon such criteria.

E. CHALLENGES TO INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Challenges to materials will be addressed pursuant to policy 3210, Parental Inspection of and Objection to Instructional and Supplementary Materials.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C art. 8 pt. 1; 115C-45, -47, -85.1, -98 to -101; *Board of Education v. Pico*, 457 U.S. 853 (1982); State Board of Education Policy TEXT-000; *Impact: Guidelines for North Carolina Media and Technology Programs*, North Carolina Department of Public Instruction (2005); *The Library Bill of Rights*, The American

Library Association (1996)

Cross References: Goals and Objectives of the Educational Program (policy 3000), ~~Parental~~ Inspection of and Objection to Instructional and Supplementary Materials (policy 3210), School Improvement Plan (policy 3430), Gifts and Bequests (policy 8220)

Adopted: May 11, 1992

Revised: December 11, 2000; October 9, 2007; January 12, 2010; August 29, 2012; November 6, 2012; June 11, 2013; November 7, 2017; June 12, 2018

PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Policy Code:

3210

~~In policy 3200, Selection of Instructional Materials, the board establishes a process for the selection of instructional materials to meet State Board of Education requirements and the educational goals of the board. That process provides an opportunity for parental input in the selection of materials.~~

~~Though the board strives to provide instructional and supplementary materials that will support and enrich the curriculum and enhance student learning, the board recognizes that The board recognizes that despite the opportunity to participate in the selection of materials, parents, teachers, and community members still may have concerns about certain instructional and supplementary materials used in the school system. Thus, to further involve parents in the education of their children, t~~The board respects the right of parents ~~also provides opportunities for parents~~ to review instructional and supplementary materials, as those terms are defined in policy 3200, Selection of Instructional and Supplementary Materials, and provides a processes for objecting to the use of specific parents to use when they object to instructional or supplementary materials.

For purposes of this policy, all references to “parent” include a parent, legal guardian, legal custodian, or other caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

A. PARENTAL RIGHT TO INSPECT MATERIALS

Parents may review all instructional and supplementary materials, ~~as defined in policy 3200, Selection of Instructional Materials.~~ Instructional and supplementary materials do not include academic tests or assessments. Parents who would like to inspect and review instructional or supplementary materials should make a request in writing to the principal identifying the ~~instructional~~ materials the parent is seeking to inspect. Within 10 business days of receiving the request, the principal shall either (1) provide access to the requested information or (2) provide an extension notice to the parent that, due to the volume or complexity of the request, access to the information will be provided no later than 20 business days from the date of the parent’s request. Access will be provided by supplying the parent with a copy of the materials or by scheduling a mutually agreeable date and time for the parent to come into the school to review the materials. All materials used in reproductive health and safety education shall be available for review as provided in policy 3540, Comprehensive Health Education Program.

B. PARENTAL OBJECTIONS TO MATERIALS

~~Parents may submit an objection in writing to the principal regarding the use of particular instructional materials. The principal may establish a committee to review the objection. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is~~

~~appropriate for the age and maturity of the students and for the subject matter being taught.~~

~~If the principal or the committee determines that any material violates constitutional or other legal rights of the parent or student, the principal or the committee shall either remove the material from instructional use or accommodate the particular student and parent. (For religious-based objections, also see policy 3510, Religious-Based Exemptions from School Programs.) Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.~~

~~The decision of the committee or principal may be appealed to the superintendent. The decision of the superintendent may be appealed to the board.~~

1. Objections to School System Use of Materials

a. Informal Resolution of Concerns

The board encourages informal resolution of concerns regarding instructional or supplementary materials used in the school system. Any parent of a student enrolled in a school in the school system, teacher employed by the board, or resident of the geographic area served by the school system who has concerns about an instructional or supplementary material used in a school is encouraged to bring that concern to the principal before submitting a formal challenge. The board believes that many concerns can be resolved promptly through open communication with school administration.

b. Challenges to Materials

A parent of a student enrolled in a school in the school system, a teacher employed by the board, or a resident of the geographic area served by the school system may submit a challenge alleging that a specific instructional or supplementary material is: (1) obscene; (2) inappropriate to the age, maturity, or grade level of the students; or (3) except for library books, not aligned with the standard course of study. The challenge must be submitted in writing to the board. The board will use a community media advisory committee to investigate and evaluate the challenge.

Members of the community media advisory committee will be appointed by the superintendent and include, at minimum: (1) three principals, including a principal from a high school, a middle school, and an elementary school; (2) three teachers, including a teacher from a high school, a middle school, and an elementary school; (3) a parent of a student in high school or middle school and a parent of a student in

elementary school; and (4) three school library media coordinators, including a coordinator from a high school a middle school, and an elementary school.

Within two weeks of the filing of the challenge, the community media advisory committee shall hold a hearing and provide the challengers an opportunity to present their concerns to the committee. The committee may, in the committee's discretion, request additional information on the subject matter at the hearing from experts employed by the school system. Within two weeks of the hearing, the committee shall make a recommendation to the board on whether the challenge has merit and whether the challenged material should be retained or removed as unfit material. The committee's determination will be limited to considerations of whether the material is unfit on the specific grounds of the material being: (1) obscene; (2) inappropriate to the age, maturity, or grade level of the students; or (3) not aligned with the standard course of study.

At the next meeting of the board after the community advisory committee's recommendation is received, the board will determine whether the challenge has merit and whether the challenged material will be retained or removed as unfit material. The board, at all times, has sole authority and discretion to determine whether a challenge has merit and whether challenged material should be retained or removed. The decision of the board is not appealable.

2. Objections to an Individual Student's Use of Materials

a. Religious-Based Objections

A religious-based objection to an individual student's use of an instructional or supplementary material will be addressed in accordance with policy 3510, Religious-Based Exemptions from School Programs.

b. Objections to Materials Used in Reproductive Health and Safety Education

If a student's parent objects to the student's use of instructional or supplementary materials used in reproductive health and safety education instruction or in separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the parent may opt the student out of participation in the instruction in accordance with policy 3540, Comprehensive Health Education Program.

c. Objections to the Use of Certain Library Books

Any request by a student's parent that the student be prohibited from borrowing certain library books will automatically be granted. The request must be made in writing to the principal and identify by title the library book(s) that the student may not borrow. For purposes of this policy, library books are defined as electronic, print, and nonprint resources, excluding instructional materials, all instructional materials, other than textbooks, that are available at a school, whether in the held in a formal school library

or in a classroom ~~or other space~~, for independent use by students and school personnel outside of the standard course of study for any grade or course. The titles of all library books at a school may be accessed through a searchable web-based catalog displayed on the homepage of the school's website.

d. Other Objections to an Individual Student's Use of Materials

Even if an instructional or supplementary material is fit for use by most students, a student's parent still may have concerns about that individual student's use of the material. If a student's parent objects to the student using a specific instructional or supplementary material, and the objection does not fall under subsection B.2.a, B.2.b, or B.2.c., above, the parent first should discuss the matter with the student's teacher in an effort to reach a resolution informally. If the parent is not satisfied with the teacher's response, the parent should request an informal review of the matter by the principal. If the parent is not satisfied with the informal review, the parent may file a grievance in accordance with policy 1740/4010, Student and Parent Grievance Procedure. In determining whether to accommodate an objection, school officials shall consider the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors.

The superintendent shall develop the necessary administrative procedures to implement this policy.

Legal References: U.S. Const. amend. I; 20 U.S.C. 1232h; N.C. Const. art. I, § 14; *Board of Educ. v. Pico*, 457 U.S. 853 (1982); G.S. 115C art. 8 pt. 1; 115C-45, -47, -76.25(a)(5), -76.35(b), -76.40, -85.1, -98, -98.1, -98.5, -101

Cross References: Parental Involvement (1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional and Supplementary Materials (policy 3200), Religious-Based Exemptions from School Programs (policy 3510), Comprehensive Health Education Program (policy 3540), Domicile or Residence Requirements (policy 4120)

Adopted: April 28, 2009

Revised: August 29, 2012; November 6, 2012; December 9, 2014; November 7, 2023; October 14, 2025

RELIGIOUS-BASED EXEMPTIONS FROM SCHOOL PROGRAMS

Policy Code:

3510

Though students are expected to participate in all required courses and school activities, the board supports the free exercise of religion and prohibits discrimination on the basis of religion. The board recognizes that at times a student or a student's parent or guardian may object to a specific classroom discussion, activity, or assigned reading based on religious reasons. The board also recognizes that parents and guardians may want their students excused from school to attend private religious instruction. This policy is designed to provide students, parents, and guardians with a process for seeking religious-based exemptions from school programs.

A. RELIGIOUS OBJECTIONS TO CLASSROOM DISCUSSIONS, ACTIVITIES, OR ASSIGNED READINGS

The curriculum of the school system will be based on the current statewide instructional standards. The board, ~~and the school district~~, school administrators, ~~and teachers~~ shall exercise their authority to select appropriate materials and teach the curriculum in an effective manner. ~~The board supports the freedom of religion and prohibits discrimination on the basis of religion. While students are expected to participate in all required courses and school activities, the board recognizes that at times a student or a student's parent or guardian may object to a specific classroom discussion, activity, or assigned reading. This policy is designed to provide students, parents, and guardians with a process for seeking a religious-based exemption for a student from a specific classroom discussion, activity, or assigned reading.~~ To the extent practicable, students, parents, and guardians will be notified in advance of upcoming classroom discussions, activities, and assigned readings.

A student, parent, or guardian may petition to exempt the student from participation in a specific classroom discussion, activity, or assigned reading that the student, parent, or guardian believes would impose a substantial burden on the student's religious beliefs or invade the student's privacy by calling attention to the student's religion. Any request for exemption should be submitted to the superintendent or designee in accordance with the following guidelines.

1. The request must be in writing.
2. The request must specify the discussion, activity, or reading and explain how it would impose a substantial burden on the student's religious beliefs or invade the student's privacy by calling attention to the student's religion.
3. The request may suggest a proposed alternate activity or study.

The superintendent or designee shall review the request in accordance with any constitutional or statutory standards and shall accommodate the request as required by law. If accommodation is not required by law, the superintendent or designee may accommodate

such a request after weighing factors, such as the interest of the child, the impact on other students, and the availability of alternative activities or materials. An appeal of the decision may be made through the student grievance procedure.

If a student is excused from a classroom discussion, activity, or assigned reading, the student will be provided an alternative activity or assignment aligned with the standard course of study.

B. RELEASED TIME RELIGIOUS INSTRUCTION

The principal shall excuse students from school to attend released time religious instruction pursuant to G.S. 115C-407.45 and in accordance with the guidelines described below. For purposes of this policy, released time religious instruction means religious instruction offered by a private entity during the school day. Released time religious instruction is not a part of the school system's educational program or activities and is neither sponsored, supervised, nor controlled by the board. No academic credit will be awarded for a student's participation in released time religious instruction. The school system will not expend state or local funds, excluding any de minimis costs of administering this policy, to facilitate a student attending released time religious instruction.

1. Participation in released time religious instruction is voluntary and may occur only upon the written request of the student's parent or guardian. School system employees shall not encourage or discourage participation.
2. Before a student may participate in released time religious instruction, the student's parent or guardian must provide the principal with a signed copy of the school's consent form. By signing the form, parents and guardians acknowledge that they are responsible for arranging transportation to and from the location where the released time religious instruction will occur. Released time religious instruction by private entities will not be provided on school property except as permitted by policy 5030, Community Use of Facilities.
3. To reduce the amount of instructional time lost and to minimize disruption to school operations, students may be excused for only one hour of released time religious instruction during a school week. Released time religious instruction will not be permitted during: the core classes of mathematics, science, social studies, or English language arts; state-required tests, screenings, or other assessments; or state-required remedial instruction, interventions, or retesting.

The student's parent or guardian must provide the principal with written documentation affirming that the student attended religious instruction for each time the student is requesting an excused absence. The student is responsible for making up all missed schoolwork.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C-36, -47(33b) and (33d), -407.45

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100)

Adopted: December 11, 2000

RNC: March 23, 2009

Revised: April 28, 2009; June 11, 2013; October 14, 2025

REPORTING TO EXTERNAL AGENCIES

Policy Code: **5150/7313**

The policies listed below require the superintendent or other school system employees to report certain information to various external governmental agencies and officials. This list is not exhaustive of all external reporting requirements. In addition to the reporting requirements described in this policy, the superintendent or designee shall make any other reports to external governmental agencies or officials when required by law or regulation or when required as a condition of a federal grant or award (see policy 8305, Federal Grant Administration).

A. THE STATE BOARD OF EDUCATION/DEPARTMENT OF PUBLIC INSTRUCTION

1. Reporting Obligations of the Superintendent

The superintendent must ensure that all required data, reports, and other information are submitted to the State Board of Education (SBE)/Department of Public Instruction, including, but not limited to, the following:

- a. that a licensed individual has been found through a criminal records check to have a criminal history (see policy 7100, Recruitment and Selection of Personnel);
- b. the reason for the resignation of certain licensed employees if the employee's criminal history is relevant to the resignation (see policy 7900, Resignation);
- c. that certain licensed employees, who have been recommended for dismissal, have resigned without the superintendent's written consent (see policy 7900, Resignation);
- d. the status of each driver education instructor (see policy 7300, Staff Responsibilities);
- e. that a driver education instructor has lost the privilege to drive in North Carolina or any other state (see policy 7300, Staff Responsibilities);
- f. parental involvement information as required by SBE Policy PRNT-002 and G.S. 115C-76.70 (see policy 1310/4002, Parental Involvement);
- g. certain crimes occurring on school property or on school sponsored field trips as required by 16 N.C.A.C. 6E .0107 (see policy 4335, Criminal Behavior);
- h. if at least two violent criminal offenses and at least five or more such offenses per 1000 students were committed during each of the two most

recent school years, any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans to eliminate such conditions; and each student transfer made pursuant to SBE Policy SSCH-006 (see policy 4152, Unsafe School Choice Transfer);

- i. a copy of the Chemical Hygiene Plan (see policy 7265, Occupational Exposure to Hazardous Chemicals in Science Laboratories);
 - j. a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A (see policy 3420, Student Promotion and Accountability);
 - k. the board's determination of how each alternative school will participate in the State Alternative Schools' Accountability Model (see policy 3470/4305, Alternative Learning Programs/Schools);
 - l. the comparability testing report assessing the equivalent distribution of state and local resources among schools (see policy 3565/8307, Title I Program Comparability of Services);
 - m. mental health and student wellness information required by SBE Policy SHLT-003 (see policy 6120, Student Health Services);
 - n. a copy of policy 6140, Student Wellness, if requested (see policy 6140, Student Wellness);
 - o. a report that provides information pertaining to the school system's efforts to comply with policy 6140, Student Wellness, and SBE Policy SHLT-000 (see policy 6140, Student Wellness); and
 - p. student disciplinary data (see policy 4345, Student Discipline Records).
2. Reporting by Principals and Central Office Personnel of Certain Misconduct by Licensed Employees
- a. Any superintendent, associate superintendent, assistant superintendent, personnel administrator, or principal who knows, has reason to believe, or has actual notice of a complaint that a licensed employee has engaged in misconduct that (1) would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b), has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b), involved the infliction of physical injury against a child or student other than by accident or in self-defense, or involved any sexual contact with a child or student, and (2) resulted in termination of employment, nonrenewal of an employment contract, suspension without pay, disciplinary action, or resignation shall report the misconduct to the SBE (see Section F of policy

7130, Licensure).

- b. If a licensed employee is dismissed, is demoted, or resigns as the result of conduct that is not covered by the preceding sentence but that may otherwise justify disciplinary sanctions against the employee's license under 16 N.C.A.C. 6C .0604, the superintendent or designee shall report the conduct to the SBE (see Section F of policy 7130, Licensure).

B. NORTH CAROLINA CENTER FOR SAFER SCHOOLS

The superintendent or designee shall send to the Center for Safer Schools a copy of any threat assessment policies, procedures, or protocols when approved or revised (see policy 1510/4200/7270, School Safety). The superintendent shall also ensure that quantitative data on the activities of all threat assessment teams is reported to the Center for Safer Schools as required (see policy 1510/4200/7270, School Safety).

C. LAW ENFORCEMENT

1. Sexual Offense, Child Abuse, or Serious Bodily or Physical Injury of a Child

School employees, contractors, and volunteers must report to local law enforcement when they know or reasonably should know that a child has been a victim of a sexual offense or an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means or an attempt, solicitation, or conspiracy to commit either of those offenses, or misdemeanor child abuse (see policy 4240/7312, Child Abuse and Related Threats to Child Safety).

2. Certain Crimes on School Property

Principals must report to law enforcement certain crimes occurring on school property (see policy 4335, Criminal Behavior, and policy 5027/7275, Weapons and Explosives Prohibited, and policy 7240, Drug-Free and Alcohol-Free Workplace, and administrative regulation 1510/4200/7270-R, Responding to Bomb Threats).

3. Sex Offenders

School administrators and other supervisory personnel also must report to law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event (see policy 5022, Registered Sex Offenders).

4. School Facilities

The superintendent must provide law enforcement with (1) schematic diagrams of all school facilities, (2) updates of the schematic diagrams when the school system makes substantial facility modifications, (3) either keys to the main entrance of all

school buildings or emergency access to key storage devices for all school buildings, and (4) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices (see policies 1510/4200/7270, School Safety, 5120, Relationship with Law Enforcement, and 9220, Security of Facilities).

D. LOCAL EMERGENCY MEDICAL SERVICES

Appropriate local emergency medical services officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement (see policy 5028/6130/7267, Automated External Defibrillator).

E. COUNTY DEPARTMENT OF SOCIAL SERVICES

School employees, contractors, and volunteers must report to the county department of social services if they suspect that a child is abused, neglected, dependent, or has died as the result of maltreatment (see policy 4240/7312, Child Abuse and Related Threats to Child Safety).

F. DEPARTMENT OF HEALTH AND HUMAN SERVICES

School employees, contractors, and volunteers must report to the Department of Health and Human Services (DHHS) if they have cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility (see policy 4240/7312, Child Abuse and Related Threats to Child Safety). The assistant superintendent of human resources also must notify DHHS if a child care provider has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DHHS's Division of Child Development and Early Education (see policy 7100, Recruitment and Selection of Personnel).

In addition, the principal shall provide DHHS with an annual immunization report and a health assessment status report (see policy 4110, Immunization and Health Requirements for School Admission).

G. COUNTY HEALTH DEPARTMENT

The principal must report suspected cases of reportable diseases and conditions to the county health department (see policy 4230, Communicable Diseases – Students, and policy 7262, Communicable Diseases – Employees).

Supervisory personnel must report unsafe conduct to the county health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease (see policy 7262 Communicable Diseases – Employees).

H. DEPARTMENT OF PUBLIC SAFETY'S DIVISION OF EMERGENCY MANAGEMENT

The superintendent must provide the Department of Public Safety's Division of Emergency Management with (1) emergency response information it requests for the school risk management plan, (2) updated emergency response information when such updates are made, (3) schematic diagrams of all school facilities, and (4) updates of the schematic diagrams when the school system makes substantial facility modifications (see policies 1510/4200/7270, School Safety, and 9220, Security of Facilities).

I. NORTH CAROLINA CENTER FOR MISSING PERSONS

School officials must report to the Center for Missing Persons any information received indicating that a student transferring into the school system is a missing child (see policy 4700, Student Records).

~~J. DEPARTMENT OF ADMINISTRATION~~

~~The following information must be provided to the Department of Administration: (1) all legally required reports regarding contract bids and contract purchases of goods and services from historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind and the severely disabled (see policy 6402, Participation by Historically Underutilized Businesses); and (2) all legally required reports regarding the use of minority businesses in construction work (see policy 9125, Participation by Minority Businesses).~~

J. BOARD OF COUNTY COMMISSIONERS

The finance officer must provide notice to the board of county commissioners of any report received from the Teachers' and State Employees' Retirement System containing a list of employees whose retirement in the upcoming year would likely result in an assessment to the board for additional employer contribution (see policy 8510, School Finance Officer).

K. SECRETARY OF THE LOCAL GOVERNMENT COMMISSION

The finance officer must submit reports to the Secretary of the Local Government Commission as required by law (see policy 8510, School Finance Officer).

L. FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

Designated employees shall report required information regarding school system commercial motor vehicle operators through the federal Commercial Driver's License Drug and Alcohol Clearinghouse (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators).

Legal References: 49 C.F.R. 382.705; G.S. 7B-301; 14-318.6; 110-105.4; 115C-12(27), -76.70, -83.6A, -105.53, -105.54, -105.65, -270.35, -288(g), -325(o)(2) (applicable to career status teachers), -325.9(b) (applicable to non-career status teachers), -326.20, -390.4(c), -403, -436, -446;

130A-136, -155, -441; 143-48, -128.3, -131; 10A N.C.A.C. 09 .2703(m); 16 N.C.A.C. 6C .0313, .0604, .0608; 16 N.C.A.C. 6E .0107; 16 N.C.A.C. 6G .0314; State Board of Education Policies PRNT-002, SHLT-000, SHLT-003, SSCH-006

Cross References: Parental Involvement (policy 1310/4002), School Safety (policy 1510/4200/7270), Responding to Bomb Threats (administrative regulation 1510/4200/7270-R), Student Promotion and Accountability (policy 3420), Alternative Learning Programs/Schools (policy 3470/4305), Title I Program Comparability of Services (policy 3565/8307), Immunization and Health Requirements for School Admission (policy 4110), Unsafe School Choice Transfer (policy 4152), Communicable Diseases – Students (policy 4230), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Criminal Behavior (policy 4335), Student Discipline Records (policy 4345), Student Records (policy 4700), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Automated External Defibrillator (policy 5028/6130/7267), Relationship with Law Enforcement (policy 5120), Student Health Services (policy 6120), Student Wellness (policy 6140), ~~Participation by Historically Underutilized Businesses (policy 6402)~~, Recruitment and Selection of Personnel (policy 7100), Licensure (policy 7130), Drug-Free and Alcohol-Free Workplace (policy 7240), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Communicable Diseases - Employees (policy 7262), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Resignation (policy 7900), Federal Grant Administration (policy 8305), School Finance Officer (policy 8510), ~~Participation by Minority Businesses (policy 9125)~~, Security of Facilities (policy 9220)

Other Resources: *Behavioral Threat Assessment and Management: Best Practice Guidance for North Carolina Behavioral Threat Assessment and Management Teams for Harm Prevention*, N.C. Department of Public Instruction Center for Safer Schools (March 2024), ~~available at <http://www.dpi.nc.gov/best-practice-guidance-north-carolina-behavioral-threat-assessment-and-management-teams-harm>~~; Master Data Calendar, N.C. Department of Public Instruction, available at <https://www.dpi.nc.gov/data-reports/data-calendar>

Adopted: December 9, 2025

VENDOR LISTS*Policy Code:***6442**

The board desires to provide opportunities to responsible suppliers to do business with the school system. To this end, the superintendent is directed to develop and maintain lists of potential vendors for the various types of materials, equipment, and supplies. Such lists will be used in the development of a mailing list for distribution of specifications, invitations to bid, and notice of other competitive purchasing processes.

The superintendent or designee has the discretion to determine which vendors are included on the list and may establish objective, nondiscriminatory standards for being placed on the list or for remaining on the list. The standards shall take into account the requirements of G.S. 147, art. 6E and art. 6G. The superintendent is encouraged to include small business vendors certified under the North Carolina Small Business Enterprise Program ~~listed as historically underutilized businesses with the Division of Purchase and Contracts at the State Department of Administration.~~

Legal References: G.S. 115C-522; 143-48; 147, art. 6E, art. 6G

Cross References: Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), ~~Participation by Minority Businesses (policy 9125)~~

Adopted:

Revised: April 19, 2016; July 12, 2016; December 12, 2017; May 8, 2018

PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

*Policy Code:***9115**

A. GENERAL

1. The purpose of this prequalification process is to impartially evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a board construction project, including prime contracts awarded by construction managers pursuant to the Construction Manager at Risk (“CM at Risk”) process. The award of contracts should be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful performance of public contracts.

2. The administration shall be responsible for prequalifying individual contractors to bid on board construction projects when the administration believes prequalification is preferred. The administration is not required to prequalify contractors for any particular project or projects. However, a contractor shall not be allowed to submit a bid on a construction project subject to prequalification, unless it has been prequalified in accordance with board policy.

3. The construction manager and the administration shall jointly develop the assessment tool and criteria for each CM at Risk project, including the prequalification scoring values and minimum requirement score. The construction manager shall use the process outlined in this policy for the prequalification of contractors on CM at Risk projects.

4. Notwithstanding the fact that a contractor was prequalified, the board, administration, and construction manager reserve the right to reject a contractor’s bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the board, administration, or construction manager from subsequently concluding that the contractor is not a responsible bidder pursuant to [G.S. 143-129](#). The prequalification of a contract for a project shall only apply to the individual project. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract.

B. APPLICATION PROCESS

1. The superintendent or designee shall designate a school official to oversee the prequalification process for each individual project (“School Prequalification Official”)

2. Each prospective bidder on contracts identified for prequalification by the administration and all CM at Risk projects shall submit an application on the approved prequalification application form in order to become prequalified. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of the firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm, and other objective criteria rationally related to the contract to be awarded.

3. The administration shall ensure that applications prepared for the projects comply with this policy and State law. The applications prepared for the projects comply with this policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the school system or construction manager.

C. APPLICATION

The application used by the school system or the construction manager must be approved by the school prequalification Official and shall, at a minimum, address the following items:

- a. Organizational Structure- The firm shall provide a list of all owners, officers, partners, or individuals authorized to represent or conduct business for or sign legal documents for the firm. This list must include the full legal name, typed or printed in a clear legible form. Firms experiencing changes in ownership, organizational structure, or material changes in assets must inform the school system prior to the award of a contract. Failure of the firm to comply with this requirement may result in the termination of any contract awarded by the school system or construction manager.
- b. Classification- The firm shall indicate the type(s) of work the firm's workforce and equipment normally perform, licensure, and other pertinent information. The firm shall provide its ~~MWSBE (Minority, Women, and~~ Small Business Enterprise) status.
- c. Experience- The firm shall furnish information that documents the ability of the firm to undertake a project involving the type(s) of work for which prequalification is requested.
- d. Financial- Firms will be required to provide a complete current annual financial statement (current within the previous 12-month period).

e. Litigation/Claims- Firms must provide information on its success at completing projects on time, including the payment of liquidated damages. The firm will be required to submit information regarding its litigation history, including litigation with owners.

f. Capacity- Firms shall demonstrate sufficient bonding capacity, insurance, and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work. Firms shall also demonstrate an acceptable safety history for construction projects.

g. Legal Authorization- All firms must show that they are legally authorized to conduct business in the State of North Carolina and with the school system and have all required licensure for the work to be performed.

1.

D. REVIEW OF APPLICATION – SCHOOL SYSTEM BID PROJECTS

1. Prequalification Committee – The School Prequalification Official shall establish a committee to review and score applications, including approving and denying prequalification (“Prequalification Committee”). The superintendent or designee shall not be a member of the Prequalification Committee.
2. Review of Applications – The school system’s Prequalification Official shall use the school system’s objective assessment process. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the school system. The prequalification criteria used by the Prequalification Committee shall include prequalification scoring values and the minimum required score to be prequalified for the project. The school system’s Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.
3. Notice of Decision – The firms shall be promptly notified of the school system’s Prequalification Committee’s decision, including the reason for denial, via e-mail. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

E. REVIEW OF APPLICATION – CM AT RISK PROJECTS

1. Prequalification Committee –The construction manager and the School Prequalification Official shall agree upon the members of the construction manager’s Prequalification Committee. The superintendent or designee shall not be on the Prequalification Committee. The construction manager’s Prequalification

Committee will review prequalification applications submitted by the firms and will determine the firm's prequalification eligibility for the CM at Risk project.

2. Review of Applications – The construction manager's Prequalification Committee and the School Prequalification Official shall agree upon an objective assessment process. The construction manager and the School Prequalification Official shall develop prequalification criteria, including prequalification scoring values and the minimum required score to be prequalified for the project. The prequalification criteria shall not require the firm to have previously been awarded a construction or repair project by the construction manager or the school system. The construction manager's Prequalification Committee shall approve or deny the applications in accordance with the prequalification criteria and scoring system.
3. Notice of Decision – The firms shall be promptly notified of the construction manager's Prequalification Committee's decision, including the reason for denial, via e-mail. Notice shall be provided prior to the opening of bids for the project and with sufficient time for the firm to appeal the denial of prequalification.

F. APPEALS PROCEDURE

The firm may appeal from the denial of prequalification as noted below:

1. Written Appeal- A written appeal may be filed via hand-delivery or e-mail to the applicable Prequalification Committee within three business days of receipt of notice that the firm has been denied prequalification. The written appeal shall clearly articulate the reasons why the firm is contesting the denial and attach all documents and additional information supporting the firm's position. The Prequalification Committee may contact the firm regarding the information provided prior to ruling on the appeal. If the Prequalification Committee is satisfied that the firm should be prequalified, the firm shall be notified that it is prequalified to bid on the project and allowed to participate in the bid process. If the Prequalification Committee upholds its denial, the firm shall be promptly notified in writing via e-mail.
2. Hearing- The firm may appeal the Prequalification Committee's decision on the written appeal by requesting a hearing before the superintendent or designee via hand-delivery or e-mail within three (3) business days of the receipt of the Prequalification Committee's decision. The hearing shall be held within five (5) business days. The firm shall not be allowed to submit additional information without the written consent of the superintendent or designee. The firm shall be allowed thirty (30) minutes for the hearing. In the event the superintendent or designee is unable to hold a hearing in a timely manner, he/she may designate a school official to handle the appeal.
3. Decision- For projects bid by the school system, the decision of the superintendent or designee **or designee** shall be final, and the firm shall be promptly notified of the

decision via e-mail. For CM at Risk projects, the superintendent or designee shall notify the construction manager of its recommended decision. The construction manager shall review the recommended decision and issue a final decision to the school system and firm. In the event the construction manager rejects a recommendation from the superintendent or designee to prequalify the firm, the construction manager shall provide a written explanation of the denial to both the superintendent or designee and the firm.

4. General Rules for Appeals- Firms submitting applications shall be provided an e-mail address for communication with the construction manager or school system during the appeal process. The firm shall provide at least two e-mail addresses for use by the school system or construction manager in communicating with the firm. All appeals shall be completed prior to the date and time for the receipt and opening of bids.

Legal References: [G.S. 143-128.1](#), [-129](#), and [135.8](#); [143C, art. 6A](#), [art. 6G](#)

Cross References:

Adopted:

Issued: December 9, 2014; July 12, 2016; December 12, 2017

BIDDING FOR CONSTRUCTION WORK

Policy Code:

9120

The board strives to obtain high quality services at a reasonable price through the bidding process employed by the school district. This policy describes state and local requirements. Any contracts funded with federal funds must also be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (“Uniform Guidance”) issued by the U.S. Office of Budget and Management. (See also policy [8305](#), Federal Grant Administration.)

A. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS

All contracts formally or informally bid will be awarded to the lowest responsible bidder, taking into consideration quality, performance, reliability and the time specified in the bids for performance of the contract. Contract will contain a provision stating that the contractor and contractor’s subcontractors, if any, must comply with the requirements of [G.S. Chapter 64, Article 2](#). Prior to bidding, contractors may be required to prequalify if the board has elected to use this process. No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with [G.S. 147, art 6E](#) or [6G](#), except as permitted by those laws.

The board prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability or religion. In addition, in accordance with [G.S. 143-133.5](#), the board prohibits discrimination against a bidder or contractor for being party to, refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor organization. The superintendent is required to conduct contracting and purchasing programs so as to prevent such discrimination.

~~The superintendent, on behalf of the board, must certify that good faith efforts have been made to increase the participation in construction contracts by minority-owned and female-owned businesses, required in policy [9125](#), Participation by Businesses.~~

The board will grant a North Carolina resident firm providing architectural, engineering, surveying or construction management at-risk services, design-build services, or public private construction services a preference over a nonresident firm, if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis and to the same extent as the preference granted by the nonresident firm’s home state. The school district’s bid documents will require that nonresident firms disclose and describe any constructions contract preferences granted by the firm’s home state.

B. BIDDING METHODS

The board may request bids for contracts for building projects using single prime, multiprime (separate prime), construction management at-risk, dual bidding, design build, design-build bridging, and public-private partnership methods as permitted by law. The superintendent will make a recommendation to the board as to the method(s) that should be used for a particular project.

If the superintendent believes the project cannot be reasonably completed under the methods authorized by [G.S. 143-128](#), the superintendent will so inform the board and make the recommendations to the board that is approve the use of alternative methods. Upon board approval, the superintendent will submit to the State Building Commission a request to use an alternative contracting method along with supporting documentation.

C. FORMAL BIDDING

Construction and repair work requiring the estimated expenditure of \$500,000 or more will be advertised for bid and will be awarded through formal bidding procedures. Dividing contracts to lower the expenditure amounts so as to evade these requirements is prohibited.

The board authorizes the use of newspaper advertisement, electronic advertisement, or both for formal bids; however, the superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases. The superintendent will establish formal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders or potential bidders.

D. INFORMAL BIDDING

Informal bids shall be obtained for construction and repair contracts between \$30,000 and \$500,000. Quotations from contractors may be solicited by telephone or in writing. Informal bids are recommended, but not required, for construction and repair work costing less than \$30,000.

Dividing contracts to lower the expenditure amounts to evade the informal bidding requirements is prohibited. The superintendent will develop informal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders.

Board approval of informally bid projects is not required unless otherwise directed by the board on specific projects.

E. REVIEW AND APPROVAL

1. Staff Review of Bids

Following the opening of bids, the administrative staff, with the assistance of the architect, as appropriate, shall make a full review of all bids for accuracy and completeness. Based upon the review, the superintendent shall prepare recommendations to be considered by the board.

2. Board Review of Bids

The board shall review the bids and the superintendent's recommendations to determine the lowest responsible bidder. In making its determination, the board shall take into account quality, performance, reliability and the time specified in the bids for performance of the contract. The board may consider proposed changes in the plans and specifications as may be necessary to bring the contract price within the funds available.

3. Awarding of Contracts

The actual awarding of a contract shall take place at an official board meeting to be held after the completion of the staff and board reviews. Awarding of a contract may take place at the same meeting as the board review session.

All formally bid construction contracts must be reviewed by the board attorney and submitted by the superintendent to the board for approval. The superintendent will consult with the board attorney in developing standard form contracts for informally bid construction projects.

Any construction or repair contract involving expenditures in excess of \$50,000 must

be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into construction or repair contracts involving amounts up to \$50,000. Change orders for construction and repair contracts will be subject to the requirements of policy [9030](#), Facility Construction, not this provision.

F. RECORDS AND REPORTING REQUIREMENTS

Records of all informal or formal bids received will be maintained and will be available for public inspection. Such records should include the date the bid is received, from whom it is received, and what project it is for. The records will document why the selected contractor was the lowest responsive, responsible bidder if the contractor was not the low bidder.

The superintendent also must submit required reports to the State and provide reports to the board on the progress being made towards reaching the board's goals.

At least monthly, the superintendent shall report to the board all contracts approved by the superintendent under this policy that exceed \$50,000.

G. DISPUTE RESOLUTION PROCESS

The board establishes the following dispute resolution process to resolve issues arising out of construction and repair projects or contracts related to such projects. The dispute resolution process may be used by any party involved in the construction project for those disputes in which the amount in controversy is at least \$15,000.

Prior to initiating litigation concerning a dispute, parties to the dispute must do the following: (1) submit the dispute for review by the superintendent or other designated school official and the project architect, as appropriate, and (2) participate in mediation, if the matter cannot be resolved by school officials and the architect. The cost of the dispute resolution process will be divided between the parties to the dispute. If the board is a party to the dispute, the board will pay at least one-third of the cost.

Legal References: [2 C.F.R. 200.317-200.326](#); [G.S.64, art 2](#); [115C-521, -522](#); [143-64.1](#) and [art 8](#); [143C, art 6A, art 6G](#)

Cross References: Contracts with the Board (policy [6420](#)), Federal Grant Administration (policy [8305](#)), Facility Construction (policy [9030](#)), Prequalification of Bidders for Construction Projects, (policy [9115](#)), ~~Participation by Businesses (policy 9125)~~

Adopted: May 11, 1992

Revised: January 22, 1999; December 10, 2001; January 9, 2007; February 10, 2009; December 10, 2013; December 9, 2014; February 9, 2016; July 12, 2016; September 13, 2016; December 12, 2017; May 8, 2018; December 11, 2018; January 6, 2020

CONTRACTS WITH THE BOARD

Policy Code: 6420/8720

The board is the sole agency authorized to execute formal contracts between the school district and any firm or person offering to provide services to the school district. Creditors are on notice that the board may choose not to honor contracts made without proper authorization by designated school or school district officials.

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be agreed upon unless the budget resolution adopted pursuant to policy [8110](#), Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy [8721](#), Purchase Orders and Pre-audit And Disbursement Certifications.) No contract may be entered into with a restricted company as listed by that the state treasurer in accordance with [G.S. 147, art. 6E](#) or [6G](#), except as permitted by those laws.

Any contract involving expenditures in excess of \$50,000 must be reviewed by the board attorney and approved in advance by the board. Any contracts between \$30,000 and \$50,000 shall be reviewed by the board attorney. **The total value of a contract or expenditure shall not be divided to avoid requiring board approval.** Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into contracts.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts provided there are sufficient funds in the local school account to cover the contract. The superintendent, with appropriate involvement of the chief finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

B. CONTRACT FORMS

Any contract forms developed for use by a school or the school district must be reviewed by the board attorney.

C. LEASE PURCHASE CONTRACTS

Any request to enter lease purchase contracts as authorized by [G.S. 115C-528](#), regardless of the dollar amount, must be approved by the chief finance officer. After considering the principal and amount of interest, the superintendent must determine that the lease purchase is a fiscally prudent choice that is consistent with board policy.

The chief finance officer shall provide the board with periodic reports on lease purchase contracts, including the amount of the principal, interest paid and the amount of the outstanding obligation.

D. OTHER APPLICABLE POLICIES AND LAWS

Purchases may be made through the State Division of Purchase and Contract in accordance with the Division's rules and regulations, as authorized by [G.S. 115C-522](#). All contracts involving construction or repair work or purchase of apparatus, supplies, materials or equipment must be undertaken in compliance with [Chapter 143 of the North Carolina General Statutes](#), except as provided elsewhere by state law. Contracts must also comply with applicable board policies.

All contracts subject to the E-Verify requirement will contain a provision stating that the contractor and the contractor's subcontractors must comply with the requirements of [Article 2 of Chapter 64 of the General Statutes](#).

All contracts for procurement of instructional materials, as defined in policy 3200, Selection of Instructional and Supplementary Materials, must include a clause granting the board the license to produce braille, large print, audiocassette tape, and other accessible copies of instructional materials for use in the school system.

Legal References: [G.S. 115C-36](#), [-47](#), [-98](#), [-264](#), [-440](#), [-441](#), [-522](#), [-528](#); [143-49](#) and [art. 8](#); [147](#), [art. 6E](#), [art.6G](#)

Cross References: [Selection of Instructional and Supplementary Materials \(Policy 3200\)](#), Purchase Orders and Pre-audit And Disbursement Certification (policy [8721](#)), Budget Resolution (policy [8110](#))

Adopted: March 18, 2002

Revised: March 14, 2005; June 9, 2009; January 12, 2010; September 27, 2012; December 11, 2012; February 9, 2016; July 12, 2016; December 12, 2017; June 12, 2018; June 11, 2019

PARTICIPATION BY HISTORICALLY UNDERUTILIZED BUSINESSES

*Policy Code:***6402**

The board affirms the State's commitment to encouraging the participation of historically underutilized businesses ("HUB"), as defined by [G.S. 143-128.4](#), and small businesses in the school district's purchase of goods and services. The board of education prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability or religion. The coordinator responsible for the HUB Utilization Plan for the Lee County Schools shall be the finance officer.

Notwithstanding the board's intent to promote the participation of the types of businesses described above, the board will purchase goods and services without regard to race, color, creed, national origin, sex, age, disability, or religion.

A. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board establishes the following guidelines to ensure that the school district shall make good faith efforts to reach diverse suppliers of goods and services and to encourage participation in the school district's purchasing program by such suppliers. Employees responsible for the purchasing function shall:

1. make information about the school system's purchasing procedures and bidding process readily available;
2. advertise for bids in media that reaches historically underutilized businesses;
3. ensure access to bidding documents needed for making bids on projects;
4. obtain directory information of small businesses, historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind or severely disabled by using the online search functions of the North Carolina electronic Vendor Portal provided by the Division of Purchase and Contracts at the N.C. Department of Administration;
5. sponsor or participate in purchasing seminars for all prospective vendors or, in particular, for small businesses, historically underutilized businesses, disabled business enterprises, and non-profit work centers for the blind or severely disabled;
6. provide information on how to become Historically Underutilized Business (HUB)-certified and/or North Carolina Small Business Enterprise (NCSBE)-certified and how to register in the North Carolina electronic Vendor Portal;
7. prepare vendor lists in accordance with policy 8742, Vendor Lists;

8. where allowed by law, permit performance guarantees rather than performance bonds for contracts for goods and services.;
9. require all departments to maintain records showing that HUB vendors have been used;
10. require the finance officer to maintain in the Business Office for use by all departments a Vendor Registration File which identifies vendors having HUB status and identifies their products and services;
11. include identified HUB vendors for goods and services for non-competitive small purchases when possible; and
12. encourage departments to meet individual goals.

B. DOCUMENTATION AND REPORTING

The finance officer shall submit all legally required reports on the use of historically underutilized businesses, disabled business enterprises, and nonprofit work centers for the blind and the severely disabled and shall document the use of such businesses as necessary to comply with applicable laws.

Legal References: [*City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 \(1989\);](#) [G.S. 143-48, 143-128 -48.4, -128.4; 01 N.C.A.C. 05B.0301](#)

Cross References: Vendor Lists (policy [8742](#)), Participation by Women and Minority-Owned Businesses (policy [9125](#))

Adopted: May 11, 1992

Revised: November 15, 1995; March 18, 2002; June 13, 2023

RNC: 4/29/09

PARTICIPATION BY MINORITY BUSINESSES

Policy Code:

9125

The board affirms the State's commitment to encourage participation of minority businesses in the school district's building construction contracts. A minority business is defined in accordance with [G.S. 1430128.2](#) and is one in which (1) at least 51 percent is owned by minority persons or socially and economically disadvantaged individuals, and (2) the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females. The board shall provide minority persons equal opportunity to participate in all aspects of school district's contracts for the construction, renovation or repair of school facilities. The board prohibits discrimination against any person or business enterprise on the basis of race, color, ethnic origin, sex, handicapping condition, age or religion and shall conduct its building contract programs so as to prevent such discrimination.

A. DEFINITIONS

Pursuant to [G.S. 143-128](#), the following definitions apply to this policy:

1. The term "minority business" means a business:
 - a. In which at least fifty-one percent (51%) is owned by one or more minority persons, or in the case of a corporation, in which at least fifty-one percent (51%) of the stock is owned by one or more minority persons; and
 - b. Of which the management and daily business operations are controlled by one or more of the minority persons who own it.
2. The term "minority person" means a person who is a citizen or lawful permanent resident of the United States and who is:
 - a. Black, that is, a person having origins in any of the black racial groups in Africa;
 - b. Hispanic, that is, a person of Spanish or Portuguese culture with origins in Mexico, South or Central America, or the Caribbean Islands, regardless of race;
 - c. Asian American, that is, a person having origins in any of the original peoples of the Far East, Southeast Asia and Asia, the Indian subcontinent or the Pacific Islands;
 - d. American Indian or Alaskan Native, that is a person having origins in any of the original peoples of North America; or

e. Female.

B. GOALS

After notice and public hearing, the board hereby adopts an aspirational verifiable percentage goals of percent for participation by minority businesses in the total value of work for each building project costing \$3000,000 or more paid entirely from local or other non-state funds.

In addition, the board adopts the state's aspirational verifiable goal of 10 percent participation by minority businesses in the total value of work for each building project costing \$1000, 000 or more funded in whole or in part with state funds.

Only businesses holding current certification as a historically underutilized business will be considered eligible for inclusion in meeting the board's participation percentage goals. Lack of certification, however, will not be considered in making a contract award decision.

Ten percent participation by minority-owned and female-owned businesses in the total value of work for each building project involving erection, construction, alteration or repair for which the cost exceeds \$100,000.00.

C. SCHOOL SYSTEM GOALS AND EFFORTS

The board establishes the following guidelines for contracts subject to Section A to ensure that the school district shall make good faith efforts to reach diverse contractors and to encourage participation in the school district's construction contracts by such contractors.

Before awarding a contract, the superintendent or designee shall:

- make information about the school district's formal and informal bidding process readily available;
- advertise for bids in media that reach minority businesses.
- Designate a school official to attend the scheduled pre-bid conference to explain the school system's minority goals and objectives;
- At least 10 days prior to the scheduled day of bid opening, notify minority businesses of the following;
 - a. a description of the work for which the bid is being solicited;
 - b. the date, time, and location where bids are to be submitted;

- c. the name of the individual within the public entity who will be available to answer questions about the project;
 - d. where bid documents may be reviewed; and
 - e. any special requirements that may exist.
- ensure that everyone who requests it has access to building documents needed for making bids on projects;
 - maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;
 - review, jointly with the designer, the lowest responsible bidder's bid for compliance with all requirements of [G.S. 143-128.2\(c\)](#) and [-128.2\(f\)](#) prior to recommendation of the contract award;
 - encourage businesses experiencing difficulty in meeting the bonding, licensing and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state and federal agencies;
 - provide information to bidders about the statewide uniform certification program for historically underutilized businesses.

D. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

1. Assurances

All bidders on school construction and renovation projects subject to Section A of this policy who intend to subcontract any part of the project must (1) identify the minority businesses to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board's verifiable goal for participation by minority businesses. Upon being named the apparent lowest responsible, responsive bidder, a bidder shall provide additional evidence of its good faith efforts as required by law.

The successful bidder shall provide the following information to the school district:

- a. The names and addresses of minority businesses that will participate in the contract and the names of minority businesses contacted but not participating;
- b. A description of the work each named minority business will perform;
- c. The dollar amount of participation by each named minority business; and
- d. Copies of any advertisements or correspondence the bidder has used to attract minority subcontractors.

2. Good Faith Efforts

A contractor's good faith effort to involve minority business firms in the project can be demonstrated by using, among other factors, the following:

- a. Attending any pre-solicitation and pre-bid meetings that are scheduled by the school system to inform minority business of contracting and subcontracting opportunities;
- b. Advertising in local newspapers having a general circulation in Lee County, and in trade association and minority-focus media concerning the subcontracting opportunities;
- c. Providing written notice to a reasonable number of specific minority businesses that their interest in subcontracting is being solicited, in sufficient time to allow the minority businesses to participate;
- d. Following up initial solicitations of interest by contacting minority businesses to determine with certainty whether the minority businesses are interested;
- e. Providing interested minority businesses with equal access to specifications, plans, and requirements of the contracts;
- f. Negotiating in good faith with interested minority business, not rejecting minority businesses without sound reasons after a thorough investigation of their capabilities; and
- g. Using the services of available minority community organizations; minority contractors' groups; local, state and federal minority business assistance offices; and other organizations that provide assistance in the recruitment and placement of minority businesses.

3. Penalties for Non-Compliance

The level of minority participation in bidders' bids will not affect the contract award decision; however, the failure to provide documentation of a good faith effort to meet the board's goal may result in the bid being rejected as non-responsive.

Before recommending the award of a contract, the superintendent shall direct designated school officials to evaluate bidders' documents in accordance with applicable law and regulations to determine whether bidder good faith requirements are satisfied.

E. MONITORING

The superintendent or designee shall monitor payments made to minority businesses on each project subject to Section A to verify that the minority businesses actually working on the project and their level of participation is consistent with the representations made in the contractor's bid.

F. OTHER MINORITY BUSINESS RECRUITMENT EFFORTS

For building contracts that (1) are not subject to Section A and (2) cost at least \$30,000 but less than \$3000, 000, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation.

G. REPORTING

The superintendent shall ensure that all required reports and other documentation are filed with the Department of Administration in accordance with legal requirements.

H. NONDISCRIMINATION

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability. Nothing in this policy should be construed to require the board or contractors to award contracts or subcontracts to minority business contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.

I. COMPETITIVE BIDS

Nothing in this policy shall be construed to require the school district or contractors to award contracts to minority businesses who do not submit the lowest possible bid.

Legal Reference: [City of Richmond v. J.A. Croson Co.](#), 488 U.S. 469 (1989); [G.S. 143-128, -131\(b\)](#); [01 N.C.A.C. 301.0101-0310](#)

Cross References:

Adopted: May 11, 1992

Revised: December 10, 2001; June 12, 2018