Stokes County Schools

Policy Manual



Updated

8/27/2026

LEGAL STATUS
OF THE BOARD AND SCHOOL DISTRICT

Policy Code: 1000

The legal status of the board and school district has been established by the General Assembly. In consonance with the law, the following are in effect:

- The official name of this district is: The Stokes County Schools Administrative Unit.
- The schools of this district will be known as: The Stokes County Public Schools.
- The governing body of the Stokes County Public Schools is: The Stokes County Board of Education.

Legal References: N.C. Const., art. IX; G.S. 115C-1, -5, -40, -69

Cross References:

Adopted: June 30, 2000

Reviewed: April 19, 2010, February 15, 2021

The board of education is a body corporate and has general control and supervision of all matters pertaining to the public schools of the school system and the authority to enforce the school law. All powers and duties conferred and imposed by law respecting public schools, which are not expressly conferred and imposed upon some other official, are conferred and imposed by law upon the board.

The board will provide a system of schools; establish general policies in keeping with the needs of the community and the requirements of state law; and perform all specific duties imposed by law. The board considers some of its most significant duties to be the following:

1. providing every student with the opportunity to receive a sound basic education as defined by the North Carolina Supreme Court in *Leandro v. State*;

2. providing leadership and direction through the formulation of goals and objectives, especially in defining and setting high academic standards for student success;

3. creating policies that establish standards, accountability, and evaluation of essential operations of the school system;

4. taking steps necessary to help ensure legal compliance of board and school system functions;

5. performing judicial functions by conducting hearings as appropriate or as required by law regarding decisions of school system personnel or the board;

6. hiring a superintendent, supporting the superintendent in his or her administration, and evaluating and responding to recommendations made by the superintendent, including recommendations pertaining to the educational program and facility needs;

7. considering the budget recommended by the superintendent, presenting the budget to the county commissioners, and adopting a budget after evaluating whether the county commissioners' appropriation is sufficient to support a system of free public schools; and

8. being an advocate for the school system, for employees, and especially for students in all interactions with other governmental entities and the public.

Legal References: G.S. 115C-36, -40, -44, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References:

Adopted: February 8, 2016

Reviewed: February 15, 2021

Policies are the primary means by which the board expresses its vision for the school system. In formulating specific policies, the board is guided by its duty to provide students with the opportunity to receive a sound basic education as defined by the North Carolina Supreme Court in *Leandro v. State*. It is further guided by governing principles it considers critical to meet that obligation by providing a system of excellent schools where students can succeed. These governing principles are referenced frequently in the board policies and also are set out below.

1. Student success. As its top priority, a system of excellent schools provides opportunities for individual students to succeed and overall student performance to improve.

2. Parental involvement. A system of excellent schools involves parents in decisions regarding their own children, the educational program, and the schools.

3. Safe, orderly, and inviting environment. A system of excellent schools creates and maintains a safe and orderly environment where staff and students are focused on and excited about learning.

4. School initiatives. In a system of excellent schools, each school initiates improvements to the educational program and services for students and involves staff, parents, and students in school-level decision-making processes.

5. Professional development. A system of excellent schools provides continuous professional development and training to help personnel gain the skills and knowledge needed to meet State Board and local board expectations, especially as they relate to improving student performance.

6. Removal of barriers. A system of excellent schools prohibits illegal discrimination and harassment of staff and students, encourages tolerance and respect, and seeks to eliminate or lessen other barriers that may impede a student's ability or opportunity to learn, including economic disadvantages, poor nutrition, ill-health, and lack of transportation.

7. Stewardship of resources. A system of excellent schools conserves financial and environmental resources and operates in an efficient manner.

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References:

Adopted: February 8, 2016

Reviewed: February 15, 2021

A system of excellent schools in which every student has an opportunity to receive a sound basic education has as its first priority to provide opportunities for individual students to succeed and overall student performance to improve. Through its policies, the board has made student success a priority for the school system. Student success is addressed in the following policies:

Board Authority and Duties ..... (policy 1010)
Parental Involvement ..... (policy 1310/4002)
Title I Parent and Family Engagement ..... (policy 1320/3560)
Professional and Staff Development ..... (policy 1610/7800)
Goals and Objectives of the Educational Program ..... (policy 3000)
Curriculum Development ..... (policy 3100)
Innovation in Curriculum and Instruction ..... (policy 3110)
Lesson Planning ..... (policy 3120)
Grouping for Instruction ..... (policy 3130)
Evaluation of Instructional Programs ..... (policy 3140)
Selection of Instructional Materials ..... (policy 3200)
Technology in the Educational Program ..... (policy 3220)
School Calendar and Time for Learning ..... (policy 3300)
Evaluation of Student Progress ..... (policy 3400)
Students at Risk of Academic Failure ..... (policy 3405)
Testing and Assessment Program ..... (policy 3410)
Student Promotion and Accountability ..... (policy 3420)
School Improvement Plan ..... (policy 3430)
Recognizing Excellence ..... (policy 3440)
Graduation Requirements ..... (policy 3460)
Alternative Learning Programs/Schools ..... (policy 3470/4305)
Counseling Program ..... (policy 3610)
Extracurricular Activities and Student Organizations ..... (policy 3620)
Staff-Student Relations ..... (policy 4040/7310)
Student Behavior Policies ..... (policy 4300)
School Plan for Management of Student Behavior ..... (policy 4302)
Fair and Consistent Discipline Administration ..... (policy 4303)
Attendance ..... (policy 4400)
Schools and the Community ..... (policy 5000)
Parent Organizations ..... (policy 5010)
News Media Relations ..... (policy 5040)
Use of Student Transportation Services ..... (policy 6320)
Goals of Equipment, Materials, and Supplies Services ..... (policy 6500)
Staff Responsibilities ..... (policy 7300)
Crowdfunding on Behalf of the School System ..... (policy 7360/8225)
Job Descriptions ..... (policy 7400)
Teacher Contracts ..... (policy 7410)
Superintendent Contract ..... (policy 7420)

School Administrator Contracts.....(policy 7425)
Assignments/Reassignments/Transfers.....(policy 7440)
Evaluation of Licensed Employees.....(policy 7810)
Professional Employees: Demotion and Dismissal .....(policy 7930)
Budget Planning and Adoption.....(policy 8100)
Budget Resolution.....(policy 8110)
Planning to Address Facility Needs.....(policy 9000)

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: February 8, 2016

Revised: February 15, 2021; August 8, 2022

GOVERNING PRINCIPLE – PARENTAL INVOLVEMENT

Policy Code: **1300**

A system of excellent schools involves parents in decisions regarding their own children, the educational program, and the schools. Unless otherwise stated in specific policies, references to "parents" also include persons acting in the place of parents, such as legal guardians or legal custodians. The board's vision for involving parents is expressed through the following board policies:

Governing Principles .....(policy 1100)
Parental Involvement .....(policy 1310/4002)
Title I Parent and Family Engagement .....(policy 1320/3560)
Discrimination and Harassment Prohibited by Federal Law .....(policy 1710/4020/7230)
Title IX Nondiscrimination on the Basis of Sex ..... (policy 1720/4030/7235)
Title IX Sex Discrimination –
Prohibited Conduct and Grievance Procedures .....(policy 1725/4035/7236)
Nondiscrimination on the Basis of Disabilities .....(policy 1730/4022/7231)
Student and Parent Grievance Procedure.....(policy 1740/4010)
Responding to Complaints.....(policy 1742/5060)
Public Participation at Board Meetings .....(policy 2310)
Policy Development.....(policy 2410)
Curriculum Development.....(policy 3100)
Innovation in Curriculum and Instruction.....(policy 3110)
Selection of Instructional Materials.....(policy 3200)
Parental Inspection of and Objection to Instructional Materials .....(policy 3210)
Technology Responsible Use.....(policy 3225/4312/7320)
School Trips.....(policy 3320)
Evaluation of Student Progress..... (policy 3400)
Students at Risk of Academic Failure.....(policy 3405)
Student Promotion and Accountability.....(policy 3420)
School Improvement Plan.....(policy 3430)
Class Rankings .....(policy 3450)
Alternative Learning Programs/Schools.....(policy 3470/4305)
Religious-Based Exemptions from School Programs.....(policy 3510)
Special Education Programs/Rights of Students with Disabilities .....(policy 3520)
Comprehensive Health Education Program.....(policy 3540)
Counseling Program.....(policy 3610)
Extracurricular Activities and Student Organizations .....(policy 3620)
Equal Educational Opportunities.....(policy 4001)
Age Requirements for Initial Entry.....(policy 4100)
Discretionary Admission .....(policy 4130)
School Assignment .....(policy 4150)
Release of Students from School.....(policy 4210)
Student Insurance Program..... (policy 4220)
Student Behavior Policies.....(policy 4300)

School Plan for Management of Student Behavior.....(policy 4302)
Bullying and Harassing Behavior Prohibited ..... (policy 4329/7311)
School-Level Investigations.....(policy 4340)
Parental Involvement in Student Behavior Issues .....(policy 4341)
Removal of Student During the Day.....(policy 4352)
Long-Term Suspension, 365-Day Suspension, Expulsion .....(policy 4353)
Student Discipline Hearing Procedures .....(policy 4370)
Attendance .....(policy 4400)
Student Fees.....(policy 4600)
Student Records .....(policy 4700)
Surveys of Students..... (policy 4720)
Parent Organizations.....(policy 5010)
School Volunteers.....(policy 5015)
Visitors to the Schools .....(policy 5020)
Registered Sex Offenders ..... (policy 5022)
Student Health Services .....(policy 6120)
Administering Medicines to Students.....(policy 6125)
Bus Routes .....(policy 6321)
Student Assignment to Buses.....(policy 6322)
Naming Facilities.....(policy 9300)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: November 24, 2014

Revised: November 20, 2017; February 15, 2021; August 8, 2022; August 19, 2024

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in their children's education and in activities designed by school personnel to involve them, such as parent conferences, in order to foster effective teacher and parent communication. Parents are responsible for cooperating with school employees to facilitate their children's compliance with board policies concerning homework, school attendance, and behavior.

For purposes of this policy, "parent" includes parents, legal guardians, and legal custodians of students who are under 18 years old and who have not been emancipated.

A. PARENTAL INVOLVEMENT PLANS

1. Parental Involvement Plan as Part of the School Improvement Plan

   The board directs each principal to ensure that the school improvement team develops a plan for the school's parental involvement program as a part of the school improvement plan. The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school. This plan must include, at a minimum, efforts to enhance parental involvement by promoting the following priorities:

   a. regular, meaningful, two-way communication between home and school;

   b. responsible parenting;

   c. involvement of parents in student learning;

   d. parental volunteering in the school;

   e. involvement of parents in school decisions that affect children and families;

   f. parental training based on parents' informational needs;

   g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and

   h. student health awareness among parents by addressing the need for health

programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

Each school participating in the Title I program must develop, with parents and family members, a school-level written parent and family engagement plan that involves parents in the planning and improvement of Title I activities and describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs. See policy 1320/3560, Title I Parent and Family Engagement.

3. Parental Involvement Component of a School Plan for Managing Student Behavior

Each school's plan for managing student behavior should include parental involvement strategies that address when parents will be notified or involved in issues related to their child's behavior. See policy 4302, School Plan for Management of Student Behavior.

B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES

1. Communication with Parents

The board encourages school personnel to have regular contact with parents for informational purposes as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues in accordance with requirements of policy 4341, Parental Involvement in Student Behavior Issues, and about student attendance as described in policy 4400, Attendance. In addition, parents will be notified promptly if school personnel suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.

The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives. Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy 3210, Parental Inspection of and Objection to Instructional Materials.

To the extent practicable, parents and students will be provided advance notice of classroom discussions, activities, or assigned readings so that the parent has the opportunity to request that the student be excused from such classroom

discussions, activities, or assigned readings in accordance with policy 3510, Religious-Based Exemptions from School Programs.

The principal shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would like information about such clubs or activities should contact the school's main office.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade, and (3) instructional support activities for use at home.

2. Parent Participation at Schools

The board encourages parents to engage in activities in their children's schools. Parents are welcome to visit schools in accordance with policy 5020, Visitors to the Schools, and, if interested, are urged to participate in school volunteer programs as described in policy 5015, School Volunteers. In addition, opportunities exist for parents to participate on school advisory councils, such as the school health advisory council (see policy 6140, Student Wellness), school improvement teams (see policy 3430, School Improvement Plan), school media and technology advisory committees (see policy 3200, Selection of Instructional Materials), and the business advisory council (see policy 2670, Business Advisory Council).

3. Conferences

Teachers are responsible for scheduling conferences or meetings with parents. The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt, as part of their stated personnel policies, time for employees who are parents or guardians to attend conferences with their child's teachers.

C. PARENTAL NOTIFICATION

1. Title I Notifications

Each principal or designee of a Title I school shall effectively notify parents of all

parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

2. Parent Guide for Student Achievement

Each year, the superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the State Board of Education. All parents will receive a written copy of the guide, and information in the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations and the recommended immunization schedule;

b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;

c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);

d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;

e. opportunities for parents to learn about rigorous academic programs that

may be available for their child, such as academically and/or intellectually gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);

g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;

h. contact information for school and unit offices;

i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and

j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.

3. Additional Annual Notifications

The principal or designee shall annually notify parents of the following information to the extent that it has not already been provided to parents as part of the parent guide for student achievement:

a. parental rights related to student records (see policy 4700, Student Records);

b. parental rights related to student surveys (see policy 4720, Surveys of Students);

c. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;

d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);

e. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);

f. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);

g. policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited;

h. policy 1740/4010, Student and Parent Grievance Procedure;

i. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;

j. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);

k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;

l. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;

m. when a student initially creates a career development plan, that the plan has been created and information on how to access the plan;

n. a clear and concise explanation of the North Carolina testing and

accountability system that includes all information required by federal law;

o. a report containing information about the school system and each school, including, but not limited to:

i. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

ii. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

iii. the percentage and number of students who are:
1. assessed,
2. assessed using alternate assessments,
3. involved in preschool and accelerated coursework programs, and
4. English learners achieving proficiency;

iv. the per pupil expenditures of federal, state, and local funds; and

v. teacher qualifications;

p. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

q. if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C-105.37(b) and/or G.S. 115C-105.39A(c);

r. supportive services available to students, including health services;

s. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

t. how to reach school officials in emergency situations during non-school hours;

u. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);

v. information about the school breakfast program;

w. information about the availability and location of free summer food service program meals for students when school is not in session;

x. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

y. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;

z. education rights of homeless students (see policy 4125, Homeless Students);

aa. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);

bb. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);

cc. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and the school system's processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

dd. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and

ee. the availability of and the process for requesting a waiver or reduction of

student fees (see policy 4600, Student Fees).

4. Opportunities to Withhold Consent/Opt Out Notifications

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

a. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);

b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);

c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

d. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parents do not have the right to opt out of: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);

e. their child's participation in any protected information survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);

f. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

g. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and

h. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent or legal guardian as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);

2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);

3. off-campus trips;

4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);

5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);

6. certain health services, as required by law;

7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;

8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;

9. students' participation in any protected information survey other than those given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);

10. disclosure of students' free and reduced price lunch eligibility information or eligibility status;

11. students' access to school system technological resources, including the Internet, as described in policy 3225/4312/7320, Technology Responsible Use; and

12. students sharing sleeping quarters with a member of the other biological sex during any activity or event authorized by the school, unless the member of the other biological sex is the student's immediate family member (see policies 3320, School Trips, and 3620, Extracurricular Activities and Student Organizations).

E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH

1. Parent Notifications Regarding Student Physical and Mental Health

At the beginning of each school year, the principal or designee shall notify parents of (1) each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2) acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and (3) the procedures to exercise the parental remedies for concerns related to student health provided by G.S. 115C-76.60 and described below in subsection E.6.

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made. In addition, the principal or designee shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.

No school system policy, procedure, or form will expressly or otherwise prohibit school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or

monitoring. School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

2. Discussions Related to Student Well-Being

In accordance with the rights of parents provided in Chapter 114A of the General Statutes, when issues of a student's well-being arise, school personnel shall encourage the student to discuss the issues with his or her parent. As appropriate, school personnel may facilitate discussions of such issues with parents.

3. Parent Access to Student Records

Parents will not be prohibited from accessing any of their children's education and health records created, maintained, or used by the school system, except as permitted by law. See policy 4700, Student Records.

4. Student Support Services Training

Student support services training developed or provided by the school system to school personnel will adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction.

5. Instruction on Gender Identity, Sexual Activity, and Sexuality

Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

6. Remedies for Parental Concerns Related to Student Health

If a parent has a concern about the school or school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described here in Section E of this policy, the parent should submit the concern in writing to the principal. The principal shall schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation. If possible, the principal should resolve the concern within seven days after the concern was submitted. If the principal cannot resolve the concern within seven days, the principal shall immediately notify the superintendent or designee. The superintendent or designee shall assist, as needed, in resolving the concern.

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall schedule a board hearing to be conducted pursuant to policy 2500, Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved 30 days after the parent initially submitted the concern, the board will provide a statement of the reasons for not resolving the concern.

If the concern is not resolved within 30 days of initial submission, the parent has the right to pursue additional remedies as provided in G.S. 115C-76.60(b).

F. PARENT REQUESTS FOR INFORMATION

A parent may request in writing from the principal any of the information the parent has the right to access under Part 3 of Article 7B of Chapter 115C. The principal, within 10 business days, shall either provide the requested information to the parent or provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

If the principal (1) denies or fails to respond to the request for information within 10 business days or (2) fails to provide information within 20 business days following an extension notice, the parent may then submit the written request for information to the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

If the superintendent denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the board no later than 20 business days from the date of the request to the superintendent. The board will place the parent's appeal on the agenda for the next board meeting occurring more than three business days after submission of the appeal.

The information in this Section F will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.

G. COMMUNITY SERVICES AVAILABLE

A variety of community services are available to provide parents and families of students in the school system with needed information, support, and resources. Parents are encouraged to utilize applicable community services such as the following:

[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]

H. REPORTING REQUIREMENTS

By September 15 of each year, the superintendent or designee shall report to the State Board of Education parental involvement information as required by State Board of Education Policy PRNT-002 and G.S. 115C-76.70.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60, -76.65, -76.70, -76.110, -81.25, -81.30, -81.36, -105.37(b), -105.39A(c), -105.41, -109.1, -158.10, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307, 6G .0701; State Board of Education Policies KNEC-002, PRNT-000 and -002, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), School Trips (policy 3320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan (policy 3430), Class Rankings (policy 3450), Religious-Based Exemptions from School Programs (policy 3510), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Extracurricular Activities and Student Organizations (policy 3620), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Adopted: February 6, 2017

Revised: November 20, 2017; December 14, 2018; February 15, 2021; December 18, 2023; April 2, 2024; August 4, 2025; July 20, 2026

The board of education recognizes the value of family engagement in a child's academic success and believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents and other family members are their children's first teachers; therefore, the continued involvement of parents and family members in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents and family members with meaningful opportunities to become involved in the programs offered by the Title I schools. The board encourages parents and family members to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the school system's Title I program in helping students meet state and local achievement standards.

A. DEFINITION OF PARENT AND FAMILY ENGAGEMENT

For the purposes of this policy, the term "parent and family engagement" means the participation of parents, guardians, and other family members in regular, two-way, and meaningful communication involving student learning and other school activities, including ensuring the following:

1. that parents and family members play an integral role in assisting their child's learning;

2. that parents and family members are encouraged to be actively involved in their child's education at school;

3. that parents are full partners in their child's education and parents and family members are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and

4. that the school system utilizes activities to support parent and family engagement in the Title I programs.

B. PURPOSE AND OPERATION OF TITLE I PROGRAM

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high-quality, well-rounded education and meet the school system's challenging academic standards . The Title I program provides instructional activities and supportive services to eligible students over and above those provided by the regular school program.

Qualified Title I schools will operate as school-wide programs or targeted assistance programs based upon federal eligibility criteria. School-wide programs will provide comprehensive support to offer improved opportunities for all students in the school to

meet the school system's academic standards. Targeted assistance programs will provide services to eligible students most in need of assistance in the school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgment, and results of preschool screening and home-school surveys.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include evidence-based strategies to support parent and family engagement.

C. ANNUAL MEETING AND PROGRAM EVALUATION

Each year, school officials must invite parents of students participating in Title I programs to a meeting to explain parental rights, discuss the programs and activities to be provided with Title I funds, and solicit input on the Title I program and this policy. In addition, school officials must provide parents and family members a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent and family engagement policies and plans. Information collected from these proceedings will be used to revise Title I programs and parent and family engagement plans.

D. PARENT AND FAMILY ENGAGEMENT EFFORTS

The board believes that the involvement of Title I parents and family members in the design and implementation of the Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to conduct outreach to parents and family members and involve them in activities throughout the school year.

The superintendent shall ensure that this system-level parent and family engagement policy and plan is developed with, agreed upon with, and annually distributed to parents and family members of participating students. In addition to the system-level parent and family engagement plan, each school participating in the Title I program shall jointly develop and annually distribute to parents and family members a school-level written parent and family engagement plan that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs, including parents and family members who have limited English proficiency, who have disabilities, or who are migratory. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student achievement levels and the school's academic performance.

School officials shall invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to

students enrolled in private schools. The superintendent or designee shall establish any additional procedures necessary to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents and family members in the joint development of the Title I program and school support and improvement plan and the process of school review and improvement by including parents on the school advisory committee and any committees that review the Title I program;

2. provide coordination, technical assistance, and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities that are designed to improve student academic achievement and school performance;

3. coordinate and integrate parent and family engagement strategies in the Title I program to the extent feasible and appropriate with parental engagement strategies established in other federal, state, and local laws and programs;

4. with the meaningful involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parent and family engagement policies and program in improving the academic quality of the school and assisting students to meet the school system's academic standards;

5. strive to eliminate barriers to parental participation by assisting parents who have disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;

6. provide outreach and assistance to parents and family members of children who are participating in Title I programs in understanding the state's testing standards, the assessments used, Title I requirements, and all national, state, and local standards and expectations through such efforts as community-based meetings, posting information on school websites, sending information home, newsletters, workshops, and newspaper articles;

7. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;

8. with the assistance of parents, ensure that teachers, specialized instructional support personnel, principals, and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with, and reach out to parents as equal partners in education;

9. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to help parents monitor their child's progress and work with educators to improve achievement through such methods as literacy training or using technology, which may include education about the harms of copyright piracy;

10. coordinate and integrate, to the extent feasible and appropriate, parental involvement programs and activities with federal, state, and local programs, including public preschool programs, and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

11. strengthen the partnership with agencies, businesses, and programs that operate in the community, especially those with expertise in effectively engaging parents and family members in education;

12. ensure that parents are involved in the school's Title I activities; and

13. provide such other reasonable support for Title I parental involvement activities as requested by parents.

E. NOTICE REQUIREMENTS

School system officials and Title I school personnel shall provide effective notice of the following information as required by law. The notice must be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

1. Program for English Learners

   Each year the principal or designee shall provide notice of the following to parents of English learners identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

   a. the reasons for the child's identification;

   b. the child's level of English proficiency and how such level was assessed;

   c. methods of instruction;

   d. how the program will help the child;

   e. the exit requirements for the program;

   f. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational

program (IEP);

g. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal, and selection of a program for English learners; and

h. notice of regular meetings for the purpose of formulating and responding to recommendations from parents.

2. System Report Card

Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing information about the school system and each school, including, but not limited to:

a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

c. the percentage and number of students who are:
   i. assessed,
   ii. assessed using alternate assessments,
   iii. involved in preschool and accelerated coursework programs, and
   iv. English learners achieving proficiency;

d. the per pupil expenditures of federal, state, and local funds; and

e. teacher qualifications.

3. Teacher Qualifications

a. At the beginning of each year, school system officials shall notify parents of students who are participating in Title I programs (1) of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child and (2) that such information will be provided in a timely manner (see policy 7820, Personnel Files).

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned.

4. Student's Academic Growth and Achievement

School officials shall provide to each parent of a student who is participating in a Title I program information on the level of achievement and academic growth, if applicable and available, of the student on each of the state's academic assessments.

5. Parental Rights and Opportunities for Involvement

a. Each year, the principal or designee of a Title I school shall provide notice to parents of the school's written parent and family engagement policy, parents' right to be involved in their child's school, and opportunities for parents and family members to be involved in the school.

b. At the beginning of each school year, the principal or designee of a Title I school shall provide notice to parents of (1) their right to request information regarding student participation in state-required assessments and (2) that such information will be provided in a timely manner.

F. WEBSITE DISTRIBUTION OF INFORMATION

Each year, school system officials shall publicize on the school system website and, where practicable, on the website of each school:

1. the report card described in subsection E.2, above; and

2. information on each assessment required by the state and, where feasible, by the school system, organized by grade level. The information must include:

a. the subject matter assessed;

b. the purpose for which the assessment is designed and used;

c. the source of the requirement for the assessment;

d. if available, the amount of time students will spend taking the assessments and the schedule of the assessments; and

e. if available, the time and format for distributing results.

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

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Personnel Files (policy 7820)

Adopted: November 23, 2015

Revised: November 20, 2017; February 15. 2021

GOVERNING PRINCIPLE – SCHOOL INITIATIVES

Policy Code: **1400**

In a system of excellent schools, each school initiates improvements to the educational program and services for students and involves staff, parents, and students in the school-level decision-making processes. The board's vision for encouraging school initiatives, including school-level decision making, is expressed through the following board policies:

Title I Parent and Family Engagement.....(policy 1320/3560)
School Rules.....(policy 2475)
Curriculum Development.....(policy 3100)
Innovation in Curriculum and Instruction.....(policy 3110)
Curriculum and Instructional Guides.....(policy 3115)
Selection of Instructional Materials.....(policy 3200)
School Calendar and Time for Learning.....(policy 3300)
Student Promotion and Accountability.....(policy 3420)
School Improvement Plan.....(policy 3430)
Comprehensive Health Education Program.....(policy 3540)
School Plan for Management of Student Behavior.....(policy 4302)
Administering Medicines to Students.....(policy 6125)
Staff Involvement in Decision Making.....(policy 7210)
Crowdfunding on Behalf of the School System .....(policy 7360/8225)
Budget Resolution.....(policy 8110)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: February 6, 2017

Revised: February 15, 2021; August 8, 2022

GOVERNING PRINCIPLE –
SAFE, ORDERLY, AND INVITING ENVIRONMENT *Policy Code:* **1500**

A system of excellent schools creates and maintains a safe and orderly environment where staff and students are focused on and excited about learning. The board's vision for creating and maintaining a safe, orderly, and inviting environment is expressed through the following board policies:

School Safety .....(policy 1510/4200/7270)
Discrimination and Harassment Prohibited by Federal Law .....(policy 1710/4020/7230)
Title IX Nondiscrimination on the Basis of Sex .....(policy 1720/4030/7235)
Title IX Sex Discrimination –
Prohibited Conduct and Grievance Procedures .....(policy 1725/4035/7236)
Nondiscrimination on the Basis of Disabilities .....(policy 1730/4022/7231)
School Trips .....(policy 3320)
School Improvement Plan .....(policy 3430)
Conflict Resolution .....(policy 3431)
Alternative Learning Programs/Schools .....(policy 3470/4305)
Citizenship and Character Education .....(policy 3530)
Focus on Students .....(policy 4000)
Release of Students from School .....(policy 4210)
Communicable Diseases – Students .....(policy 4230)
Student Sex Offenders .....(policy 4260)
Student Behavior Policies .....(policy 4300)
Authority of School Personnel .....(policy 4301)
School Plan for Management of Student Behavior .....(policy 4302)
Integrity and Civility .....(policy 4310)
Disruptive Behavior .....(policy 4315)
Tobacco Products – Students .....(policy 4320)
Drugs and Alcohol .....(policy 4325)
Gang-Related Activity .....(policy 4328)
Bullying and Harassing Behavior Prohibited .....(policy 4329/7311)
Theft, Trespass, and Damage to Property .....(policy 4330)
Assaults and Threats .....(policy 4331)
Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety .....(policy 4333)
Use of Unmanned Aircraft (Drones) .....(policy 4334/5035/7345)
Criminal Behavior .....(policy 4335)
Student Searches .....(policy 4342)
Student Discipline Records .....(policy 4345)
Short-Term Suspension .....(policy 4351)
Removal of Student During the Day .....(policy 4352)
Long-Term Suspension, 365-Day Suspension, Expulsion .....(policy 4353)
Requests for Readmission of Students Suspended for 365 Days or Expelled .....(policy 4362)
Visitors to the Schools .....(policy 5020)
Registered Sex Offenders .....(policy 5022)

Smoking and Tobacco Products.....(policy 5026/7250)
Weapons and Explosives Prohibited.....(policy 5027/7275)
News Media Relations.....(policy 5040)
Emergency Closings.....(policy 5050)
Relationship with Other Governmental Agencies.....(policy 5100)
Relationship with Law Enforcement.....(policy 5120)
Collections and Solicitations.....(policy 5220)
Operation of School Nutrition Services.....(policy 6220)
Goals of Student Transportation Services.....(policy 6300)
Safety and Student Transportation Services.....(policy 6305)
Drivers.....(policy 6315)
Bus Routes.....(policy 6321)
Transportation Service/Vehicle Contracts.....(policy 6340)
Organization of Equipment, Materials, and Supplies Services.....(policy 6510)
Hazardous Materials.....(policy 6540)
Drug-Free and Alcohol-Free Workplace.....(policy 7240)
Drug and Alcohol Testing of Commercial Motor Vehicle Operators.....(policy 7241)
Staff Responsibilities.....(policy 7300)
School Administrator Contracts.....(policy 7425)
Planning to Address Facility Needs.....(policy 9000)
Facility Design.....(policy 9020)
Care and Maintenance of Facilities.....(policy 9200)
Care and Maintenance of Grounds and Outdoor Equipment.....(policy 9210)
Security of Facilities.....(policy 9220)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: August 15, 2011

Revised: February 15, 2021; August 8, 2022; August 19, 2024

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during, and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The board recognizes its duty to provide each of its employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm.

The superintendent and each principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. As required by law, the principal must inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately. The principal or supervisor must notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

Training must be provided annually for all school system stakeholders (including staff, students, parents, coaches, volunteers, and community members) on how to recognize, and how and when to report, threats to the school population or community.

4. Safety Equipment

School employees shall provide students and visitors with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Center for Safer Schools for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

School officials shall investigate and act upon any report of such behavior, including, when appropriate, referring reports to the school threat assessment team and reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 1735/4329/7311, Bullying and Harassing Behavior Prohibited, 4040/7310, Staff-Student Relations, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

E. THREAT ASSESSMENT TEAMS

In accordance with G.S. 115C-105.65, the superintendent shall establish a multidisciplinary threat assessment team for each school within the school system to identify, assess, and manage behavior of students or others who may pose a risk of violence or harm to self or others. The threat assessment teams will include, but are not limited to, individuals with expertise in counseling, instruction, school administration,

and law enforcement. When practicable, at least one school psychologist, one staff member knowledgeable about and experienced in working with students with special needs, and one staff member knowledgeable about and experienced in working with students with disabilities will be assigned to each threat assessment team. If a school psychologist is not available, a licensed mental health professional may be assigned instead. A member of each threat assessment team will operate as team leader with the responsibility to ensure adherence to the threat assessment process, ensure proper documentation of reports of threats and threat assessment activities, and facilitate collaborative team discussions to ensure various perspectives are considered.

The superintendent shall designate a school system administrator to oversee the school system's threat assessment program and to serve as liaison between the school system and the North Carolina Center for Safer Schools (CSS). The superintendent or designee shall also establish a committee composed of individuals with expertise in human resources, education, school administration, mental health, and law enforcement that will coordinate and monitor the threat assessment teams operating within the school system.

1. Training

   All team members will receive behavioral threat assessment and management training annually prior to the start of the school year. Individuals who join the team in the middle of the school year must receive training within 60 calendar days of joining the team.

2. Assessment and Intervention

   Unless the superintendent establishes a different classification system in the threat assessment protocols developed pursuant to subsection E.4 of this policy, threat assessment teams will use the levels of concern table listed in the behavioral threat assessment and management guidance issued by CSS in assessing the level of threat posed and forming a response to threats.

   Upon determining that a student poses a threat, the threat assessment team will develop a written student support, intervention, and monitoring management plan that establishes interventions and specifies required monitoring times of the student based on the level of concern the student presents. To effectively manage and mitigate potential risk, interventions must focus on building resilience and protective factors for the student while also addressing safety concerns.

3. Information Sharing

   Parents of a student or minor will be notified as soon as practicable that a threat assessment will be or is being conducted on their child. The threat assessment team will contact the parents and provide them the opportunity to participate in the threat assessment. The team is not required to extend the invitation to participate if the student or minor discloses abuse or neglect from the parent.

Once a threat assessment is completed, the team will provide its findings and conclusions to the parents, including any interventions the team is recommending be put in place for the well-being of their child and the school community and any school system or community resources that may be useful for the parents in seeking help for their child.

When the threat assessment team learns that an individual has threatened specific harm to an identifiable potential victim, the team will provide notice of the threat to the potential victim and, if the potential victim is a student or minor, provide notice to the parents.

Any information sharing by, with, or between members of the threat assessment teams will be done in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable state or federal law. (See policy 2125/7315, Confidential Information). Members of a threat assessment team who are not school system employees must sign a written agreement to adhere to the responsibilities and requirements of FERPA before having access to student records.

4. Threat Assessment Protocols

In consultation with CSS guidance and with established threat assessment teams within the school system, the superintendent shall develop, implement, and update threat assessment protocols and procedures that comply with the requirements of G.S. 115C-105.65. At a minimum, these protocols and procedures will delineate the roles and duties to be performed by designated threat assessment team members, the expertise and training of professionals who will serve on threat assessment teams, the steps to be followed in the threat assessment process, including the implementation of interventions, supports, and community services, the timeframe required to responsibly act upon reported concerns, and the engagement of school resource officers and/or law enforcement in the threat assessment process, and the process of documenting reports of threats and threat assessment activities. The protocols and procedures will differentiate between assessment and intervention at the elementary, middle, and high school levels, as appropriate.

The superintendent or designee shall send a copy of this policy and the threat assessment protocols and procedures to CSS when approved or revised. In addition, the superintendent shall ensure that quantitative data on the activities of all threat assessment teams is reported to CSS as required by G.S. 115C-105.65(h) and CSS guidance.

Legal References: 29 C.F.R. part 1904; G.S. 14-208.18; 95-129(1); 115C-36, -47, -105.49, -105.51, -105.53, -105.54, -105.65, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; 13 N.C.A.C. 7A .0301; 16 N.C.A.C. 6E .0107; State Board of Education Policy SCFC-005

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Confidential Information (policy 2125/7315), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education, Office of Safe and Drug-Free Schools (January 2007), available at https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf; *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)

Adopted: November 20, 2017

Revised: December 14, 2018; February 15, 2021; March 20, 2023; August 19, 2024; August 4, 2025; July 20, 2026

GOVERNING PRINCIPLE – PROFESSIONAL DEVELOPMENT

Policy Code: **1600**

A system of excellent schools provides continuous professional development and training to help personnel gain the skills and knowledge needed to meet State Board and local board expectations, especially as they relate to improving student performance. The board's vision for professional development, including its relationship to improving student success, is expressed through the following board policies.

School Safety .....(policy 1510/4200/7270)
Professional and Staff Development.....(policy 1610/7800)
Discrimination and Harassment Prohibited by Federal Law .....(policy 1710/4020/7230)
Title IX Nondiscrimination on the Basis of Sex.....(1720/4030/7235)
Lesson Planning.....(policy 3120)
Evaluation of Instructional Programs .....(policy 3140)
Technology in the Educational Program.....(policy 3220)
Use of Personal Technology to Conduct School Business .....(policy 3228/7323)
Copyright Compliance .....(policy 3230/7330)
School Improvement Plan.....(policy 3430)
Alternative Learning Programs/Schools.....(policy 3470/4305)
Comprehensive Health Education Program.....(policy 3540)
Injury and Loss Prevention .....(policy 4201/7271)
Child Abuse and Related Threats to Child Safety .....(policy 4240/7312)
Bullying and Harassing Behavior Prohibited .....(policy 4329/7311)
Emergency Epinephrine Auto-Injector Devices .....(policy 5024/6127/7266)
Public Records – Retention, Release, and Disposition.....(policy 5070/7350)
Student Health Services .....(policy 6120)
Administering Medicines to Students.....(policy 6125)
Network Security .....(policy 6524)
Hazardous Materials .....(policy 6540)
Drug and Alcohol Testing of Commercial Motor Vehicle Operators .....(policy 7241)
Occupational Exposure to Bloodborne Pathogens.....(policy 7260)
Occupational Exposure to Hazardous Chemicals in Science Laboratories .....(policy 7265)
Teacher Contracts .....(policy 7410)
School Administrator Contracts.....(policy 7425)
Evaluation of Licensed Employees.....(policy 7810)
Evaluation of Non-Licensed Employees .....(policy 7815)

Legal References: G.S. 115C-36, -47

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: May 5, 2014
Revised: February 15, 2021; August 8, 2022; August 19, 2024

The board believes a strong relationship exists between the quality of education provided to students and the competency and training of all personnel employed by the school system. The board places a high priority on securing the most competent personnel available and, once they are employed, providing them with opportunities for professional growth and development throughout their careers. The goal of professional and staff development programs and opportunities for licensed professional employees and support staff is to improve the instructional program and create a safe learning environment for all students by improving and expanding the skills of the professional staff and support personnel.

A. PROFESSIONAL AND STAFF DEVELOPMENT

The superintendent shall provide ongoing development opportunities for licensed and support staff and shall require participation by such personnel as appropriate. The superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional and staff development programs for his or her school.

Professional and staff development shall include all topics required by law or board policy, including but not limited to: (1) the effective delivery of the required curriculum as required by G.S. 115C-81.45(d) and -81.20(f); (2) a program of technology-related professional development as required by policy 3220, Technology in the Educational Program; and (3) in even numbered years, a two-hour child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals in grades K-12, as required by G.S. 115C-375.20.

B. SELF-IMPROVEMENT

Licensed employees are expected to engage in self-directed activities to improve their professional skills. These employees are encouraged to seek information and training through professional development programs as well as other opportunities in order to meet this responsibility.

C. PLANS FOR GROWTH AND IMPROVEMENT

Supervisors and principals also may require licensed employees to enter into plans, including mandatory improvement plans established by state law and individual, monitored and/or directed growth plans established by the State Board of Education, for professional growth and improving performance. (See policy 7811, Plans for Growth and Improvement of Licensed Employees.) A performance improvement plan could involve participation in a professional development program or encompass a variety of strategies that are related to professional growth or improving performance.

D. PAYMENT OF COSTS

The school system will consider paying reasonable costs, within budget limits, for any courses, workshops, seminars, conferences, in-service training sessions, or other sessions an employee is required to attend by the local administration. The employee must seek prior approval for payments.

The school system will not bear the responsibility of the cost of training taken solely for the purposes of licensure renewal.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-81.20(f), -81.45(d), -333, -333.1, -375.20; State Board of Education Policy EVAL-004

Cross References: Technology in the Educational Program (policy 3220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Plans for Growth and Improvement of Licensed Employees (policy 7811)

Adopted: November 20, 2017

Revised: February 15, 2021

GOVERNING PRINCIPLE – REMOVAL OF BARRIERS

Policy Code: **1700**

A system of excellent schools prohibits illegal discrimination and harassment of staff and students, encourages tolerance and respect, and seeks to eliminate or lessen other barriers that may impede a student's ability or opportunity to learn, including economic disadvantages, poor nutrition, ill-health, and lack of transportation. The board's vision for removing barriers is expressed in the following board policies:

Discrimination and Harassment Prohibited by Federal Law .....(policy 1710/4020/7230)
Title IX Nondiscrimination on the Basis of Sex.....(policy 1720/4030/7235)
Title IX Sex Discrimination –
Prohibited Conduct and Grievance Procedures .....(policy 1725/4035/7236)
Nondiscrimination on the Basis of Disabilities .....(policy 1730/4022/7231)
Student and Parent Grievance Procedure.....(policy 1740/4010)
Grievance Procedure for Employees .....(policy 1750/7220)
School Trips.....(policy 3320)
Testing and Assessment Program .....(policy 3410)
Counseling Program.....(policy 3610)
Equal Educational Opportunities .....(policy 4001)
Tuition for Discretionary Admissions .....(policy 4135)
Bullying and Harassing Behavior Prohibited ..... (policy 4329/7311)
Student Fees.....(policy 4600)
Support Services .....(policy 6000)
Goals of Student Health Services .....(policy 6100)
Student Health Services.....(policy 6120)
Goals of School Nutrition Services .....(policy 6200)
Operation of School Nutrition Services .....(policy 6220)
Free and Reduced Price Meal Services.....(policy 6225)
Goals of Student Transportation Services .....(policy 6300)
Participation by Historically Underutilized Businesses.....(policy 6402)
Vendor Lists.....(policy 6442)
Crowdfunding on Behalf of the School System .....(policy 7360/8225)
Facility Design.....(policy 9020)
Bidding for Construction Work .....(policy 9120)
Participation by Minority Businesses .....(policy 9125)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: November 24, 2014
Revised: March 29, 2018; February 15, 2021; August 8, 2022; August 19, 2024

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older) in its education program, which includes all operations, services, and activities of the school system, and will provide equal access to the Boy Scouts and other designated youth groups as required by law. In the context of employment, the board prohibits discrimination based on race, sex, color, national origin, religion, disability, age (40 or older), military affiliation, genetic information, or other unlawful grounds.

All forms of prohibited discrimination and harassment are subject to this policy except for sexual harassment in violation of Title IX of the Education Amendments Act of 1972, which is addressed separately in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

Though claims of discrimination or harassment on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, are subject to this policy, allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231 (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board encourages all individuals who believe that they have been discriminated against or harassed in violation of this policy or who have reliable information that another person has been discriminated against or harassed in violation of this policy to report such conduct as soon as possible through the process provided in Section B below. The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on one or more of the legally-protected characteristics listed in the first paragraph of this policy so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program.

2. Harassment

   Harassment is deliberate unwelcome conduct directed at another person or group of persons based on one or more of the legally protected characteristics listed in the first paragraph of this policy that creates a hostile environment or adversely affects a school system employee's employment. Harassment does not have to include intent to harm, be motivated by animus, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when (1) the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system or (2) the conduct is so severe or pervasive that an employee finds his or her working conditions to be abusive and a reasonable person in the employee's position would conclude that the working conditions were abusive.

   Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, derogatory epithets, comments, or slurs, imitating a person's disability-based limitations, mocking a person's accent, making fun of a person's religious garments, jewelry, or displays, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as hate symbols or derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, text message, or video calls.

   Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy. Legitimate age-appropriate pedagogical techniques are not considered harassment, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

3. Application of the Policy

   This policy applies to behavior that takes place: (1) in any school building or on

any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the individual is subject to the authority of school personnel; or (7) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools or has consequences in the workplace contributing to a hostile work environment.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Reporting Suspected Discrimination or Harassment

   Any person who believes that he or she has been discriminated against or harassed in violation of this policy or any third person who knows or suspects conduct that may constitute discrimination or harassment in violation of this policy should inform a school official designated in Section C below. Reports also may be made anonymously, including through the anonymous tip line.

2. Mandatory Reporting by School Employees

   Any employee who witnessed or who has reliable information or reason to believe that another person may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

   Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action, up to and including dismissal.

3. Preliminary Inquiry

   School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. Making a Complaint of Discrimination or Harassment

Any person who believes he or she is the victim of discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to discrimination or harassment in violation of this policy, may request that school officials investigate and redress any such unlawful conduct by making a formal written complaint to any of the following persons:

a. the principal or assistant principal of the school either the alleged victim or alleged perpetrator attends;

b. the principal, assistant principal, or site supervisor at the location where either the alleged victim or alleged perpetrator is employed;

c. the senior human resources official (or if the senior human resources official is the alleged perpetrator, the superintendent) if the alleged victim or alleged perpetrator is an employee or applicant for employment;

d. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability;

e. the Title IX coordinator, as established in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, for claims of discrimination on the basis of sex; or

f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. Addressing Complaints

A written complaint alleging that a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that a person who is not a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated when necessary to remedy violations of this policy and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, Title IX, or other relevant coordinator of the complaint and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and any further avenues for addressing the

complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances and, in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination or harassment occurred, the investigator shall take or recommend steps to address the discrimination or harassment. The investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the discrimination or harassment, rectify any wrongful impacts, and prevent its recurrence.

b. If the investigator finds that the conduct did not violate this policy but violated policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

c. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

d. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

   a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

      i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

      ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

      iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

   b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

   c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. Appeals to the Superintendent

   The alleged victim may appeal the investigator's decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next subsection). The appeal must be submitted in writing within three business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10

business days after receiving the appeal, unless further investigation is needed.

2. Appeals to the Board

Student victims or their parents may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Victims who are employees or applicants for employment may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Discipline Rights Provided by Law

Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and grievance procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitute discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education or the Equal Employment Opportunities Commission.

The contact information for the Title IX coordinator can be found in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. The contact information for the other designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

b. The ADA Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

c. The Age Discrimination Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

d. The Coordinator for Other Non-discrimination Laws is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy

Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at https://www2.ed.gov/about/offices/list/ocr/docs/race394.html; *Enforcement Guidance on Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission (April 2024), available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://www.dpi.nc.gov/parent-rights-handbook

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Adopted: February 15, 2021

Revised: September 22, 2023; August 19, 2024; August 4, 2025

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: **1720/4030/7235**

The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex. Any person may report alleged discrimination on the basis of sex, other than sexual harassment, in a school system program or activity occurring against a person in the United States through the process provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in a school system program or activity occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law.

D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Staff-Student Relations (policy 4040/7310)

Adopted: February 15, 2021

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS

Policy Code: **1725/4035/7236**

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Conduct that involves discrimination or harassment on the basis of sex but that does not meet the definition of sexual harassment prohibited by this policy may nevertheless violate other board policies or established standards of conduct and will be treated accordingly. See, for example, policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, and policy 4040/7310, Staff-Student Relations. Nothing in this policy is intended to limit discipline for violations of other board policies in such circumstances when appropriate and consistent with law. In addition, nothing in this policy is intended to limit reports to law enforcement when warranted.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Sexual harassment prohibited under Title IX and by this policy is conduct *on the basis of sex* occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;

2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;

3. sexual assault, defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI UCR). The FBI UCR classifies as sex offenses (1) any sexual act (i.e., rape, including sodomy and sexual assault with an object, and fondling) directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age and (2) unlawful sexual intercourse (i.e., statutory rape and incest);

4. dating violence, which means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, with the existence of such a relationship determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

5. domestic violence, which includes crimes committed by a current or former spouse or intimate partner of the victim under North Carolina family or domestic violence laws and also includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who (1) is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim; (2) is

cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (3) shares a child in common with the victim; or (4) commits acts against a youth or adult victim who is protected from those acts under North Carolina family or domestic violence laws; or

6. stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

B. DEFINITIONS

The following additional definitions apply in this policy.

1. Report

   A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

   Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

2. Formal Complaint

   A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

   At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

3. Complainant

   The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

4. Consent

   Consent must be informed and freely and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations with the same person do not imply future consent. The fact that both people are in a relationship does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled persons if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other board policy.

5. Respondent

   The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

6. Grievance Process

   Grievance process means the process for investigating and reaching a final

determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy 1726/4036/7237.

7. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

8. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

9. Days

Days are calendar days unless specified otherwise.

10. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

11. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. REPORTING SEXUAL HARASSMENT

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers "actual knowledge" and must be reported immediately:

a. a report of sexual harassment from a student or other person;

b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or

c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies 4040/7310, Student-Staff Relations, and 4240/7312,

Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX coordinator, or the superintendent.

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system's website and in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

D. SCHOOL OFFICIALS' RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of

other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

   Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

   When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

   a. offer supportive measures;

   b. consider the complainant's wishes with respect to supportive measures;

   c. explain that supportive measures are available with or without the filing of a formal complaint; and

   d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:

      i. that a formal complaint will initiate the grievance process described in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process;

      ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;

      iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

      iv. the approximate time frame for concluding the grievance process;

v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy 1726/4036/7237;

vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and

vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be

construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.

The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policy 1726/4036/7237. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 3470/4305, Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The grievance process for formal complaints of sexual harassment under this policy is set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

F. RECORDS

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;

2. that school officials have taken measures that are designed to restore or preserve

equal access to the school system's education program and activities;

3. why school officials believe their response to the report or complaint was not deliberately indifferent; and

4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-335.5

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Alternative Learning Programs/Schools (policy 3470/4305), Staff-Student Relations (policy 4040/7310), Child Abuse and Related Threats to Child Safety (policy 4240/7312)

Adopted: August 19, 2024

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

Policy Code: **1726/4036/7237**

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policy1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

A. DEFINITIONS

All definitions in policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to "sexual harassment" in this policy.

The following additional definitions apply in this policy.

1. Investigator

   The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

   The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

   The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

   Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint

a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct

forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

5. School System's Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.

b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

   Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

   The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

   The complainant and respondent will both be provided a description of the range of supportive measures available to them.

2. Adequate Training

   The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

   Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

   At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

   The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

   Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

   The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

   All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

   School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

   No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION

1. Step 1 – Notice of Allegations

   a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

      i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

         a) the identities of the parties involved, if known;

         b) the conduct allegedly constituting sexual harassment; and

         c) the date and location of the alleged incident, if known;

      ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;

      iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;

      iv. notice of the provision in board policy 4340, School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and

      v. a statement that the respondent is presumed not responsible for the

alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which

the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.

c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.

d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION

The superintendent or designee (hereinafter "superintendent") shall serve as the decision-maker. In his or her role as decision-maker, the superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

1. Step 1 – Student's Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in policy 4370, Student Discipline Hearing Procedures, shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

2. Step 2 – Exchange of Questions and Answers

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in

accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

a. identification of the allegations potentially constituting sexual harassment under board policy;

b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. findings of fact supporting the determination;

d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;

e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;

f. the procedures and permissible bases for the complainant and respondent to appeal; and

g. any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL

The parties shall have the right to appeal to the board of education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

a. procedural irregularity that affected the outcome of the matter;

b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the

individual complainant or respondent that affected the outcome of the matter;

d. the disciplinary sanction is inappropriate or unreasonable; or

e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 2500, Hearings Before the Board, modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940, Classified Personnel: Suspension and Dismissal; or policy 7930, Professional Employees: Demotion and Dismissal, shall also apply as applicable.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.

d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.

c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any

grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

H. INFORMAL RESOLUTION

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:

    a. the allegations;

    b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and

    c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more

time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

I. RETALIATION PROHIBITED

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

J. RECORDS

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:

    a. any determination regarding responsibility;

    b. any audio or audiovisual recording or transcript from any live hearing;

    c. any disciplinary sanctions imposed on the respondent; and

    d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;

2. any appeal and the result therefrom;

3. any informal resolution and the result therefrom; and

4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of*

Education, 526 U.S. 629 (1999)

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), School-Level Investigations (policy 4340), Student Discipline Hearing Procedures (policy 4370), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: February 15, 2021

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Policy Code: **1730/4022/7231**

The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit, or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;

2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;

3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);

5. make complaint procedures available as provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;

6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;

7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are

demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and

10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Service Animals in Schools (policy 4202/5029/7272)

Adopted: April 19, 2010

Revised: March 19, 2012; February 20, 2017; February 15, 2021

BULLYING AND HARASSING BEHAVIOR PROHIBITED

Policy Code: **1735/4329/7311**

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (7) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. RELATIONSHIP TO OTHER POLICIES

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on federally protected characteristics, such as race, color, national origin, sex, disability, age (40 or older), religion, military affiliation, or genetic information)

- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.

4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances

or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or

2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

   "Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. REPORTING BULLYING AND HARASSING BEHAVIOR

1. Reports by Students and/or Parents and Guardians

   a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.

b. Reports may be made orally or in writing and may be made anonymously.

c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.

d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON A FEDERALLY PROTECTED CHARACTERISTIC

Bullying or harassing behavior that is based on a federally protected characteristic, such as sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other federally protected characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on a federally protected characteristic should be resolved

by notifying the Title IX Coordinator.

F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or designee or site supervisor and addressed in accordance with this policy and policy 4340, School-Level Investigations, when appropriate. If the principal or site supervisor is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the investigator determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the investigator shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. CONSEQUENCES

1. Students

   The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

   A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

2. Employees

   Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

   Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. OTHER INTERVENTIONS

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. NOTICE

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020)

Adopted: August 4, 2025

STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code: **1740/4010**

A. OPTIONS FOR RESOLVING COMPLAINTS

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Policy 1742/5060, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

B. DEFINITIONS

1. Days

   Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted, or violated. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act.

4. Grievant

   The grievant is the parent, student, or group of parents or students submitting the grievance.

5. Parent

   All references to parent include a student's parent, legal guardian, legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

C. TIMELINESS OF PROCESS

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.

4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel. At any meeting or hearing during the grievance process, a student grievant may be

accompanied by a parent as well as a representative.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. Whenever a student or parent believes that he or she has been adversely affected by a decision of a school employee, the student or parent may file a grievance as provided in this policy.

   b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students and parents should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   c. A student or parent who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or student believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.

   d. Even if the principal is the employee whose decision or action is at issue, the student or parent must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted, or violated, the student or parent may submit the grievance directly to the superintendent or designee.

   e. If a student or parent wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student or parent, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent,

who shall forward the grievance to the board chairperson.

2. Investigation

   a. The principal shall schedule and hold a meeting with the grievant within five school days after the grievance has been filed with the principal.

   b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

   a. The principal shall provide a written response to the grievance within 10 days of meeting with the grievant. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

   b. A copy of the grievance and the principal's response will be filed with the superintendent.

4. Response by Superintendent

   a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.

   b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal, and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal.

   c. The superintendent shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to the Board

   If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is

necessary or the hearing necessitates that more time be taken to respond.

F. NOTICE

The superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*

Cross References: Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), Domicile or Residence Requirements (policy 4120), Student Behavior Policies (4300 series)

Adopted: August 15, 2011

Revised: June 17, 2013; February 15, 2021

A. OPPORTUNITIES TO ADDRESS CONCERNS AND COMPLAINTS

The board is committed to providing an effective means for parents and the community to voice concerns and complaints. The board also strives to resolve concerns and complaints whenever possible. To this end, the board has established the following processes:

1. informal resolutions of specific concerns (see Section B, General Process, below);

2. public hearings and public comments at board meetings on subjects of concern to parents and the community (policy 2310, Public Participation at Board Meetings);

3. a procedure for parental concerns regarding the curriculum (policy 3210, Parental Inspection of and Objection to Instructional Materials);

4. specific processes for addressing disciplinary consequences (policies in the 4300 series);

5. processes as provided by law for students with disabilities (policies 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, 3520, Special Education Programs/Rights of Students with Disabilities, and 4307, Disciplinary Action for Exceptional Children/Students with Disabilities);

6. a grievance procedure for addressing concerns regarding specific decisions, especially when there are concerns that board policy or law has been misapplied, misinterpreted, or violated (policy 1740/4010, Student and Parent Grievance Procedure); and

7. procedures for reporting and resolving complaints of discrimination, harassment, or bullying on the basis of sex, disability, or other personal characteristic (policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures; and 4329/7311, Bullying and Harassing Behavior Prohibited).

Numerous other policies provide opportunities for parental input, including policy 1310/4002, Parental Involvement.

B. GENERAL PROCESS

Complaints that are not specifically designated to be addressed in other policies should be addressed in the following manner.

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.

2. Any board member or employee receiving a complaint should verify that the complaint has been appropriately referred to him or her and if not, assist the complainant by identifying the appropriate personnel to receive the complaint.

3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.

4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators, students, and parents, should discuss the issue and make recommendations to appropriate personnel or to the board.

The superintendent shall communicate the requirements in this policy to board members and employees on a regular basis.

Legal References: G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Public Participation at Board Meetings (policy 2310), Parental Inspection of and Objection to Instructional Materials (policy 3210), Special Education Programs/Rights of Students with Disabilities (policy 3520), Student Behavior Policies (4300 series), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Bullying and Harassing Behavior Prohibited (policy 4329/7311)

Adopted: November 23, 2015

Revised: February 15, 2021; August 19, 2024

GRIEVANCE PROCEDURE FOR EMPLOYEES *Policy Code:* **1750/7220**

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

A. INFORMAL RESOLUTION

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

B. DEFINITIONS

1. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

   a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure;

   b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or

c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.

4. Grievant

The grievant is the employee(s) making the claim.

5. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

C. TIMELINESS OF PROCESS

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. At all times during the grievance process, all parties in interest and their representatives must conduct themselves in a professional manner, including respecting the confidentiality of personnel matters.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and administration will consider requests to hear grievances from a group of grievants but have the discretion to hear and respond to grievants individually.

6. The board and administration will cooperate with the grievant and representative in the investigation of any grievance and will furnish the grievant or representative information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.

7. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and

(4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue, or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges that a state or federal law has been misapplied, misinterpreted, or violated, in which case the grievance may be presented instead to the Director of Human Resources (or to the superintendent if the employee's supervisor is the Director of Human Resources). The person receiving the grievance hereinafter will be referred to as "official." Any grievance against the superintendent should be filed directly with the board in accordance with subsection E.4, below.

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the human resources office.

b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. The official shall meet with the grievant at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the grievant with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.

b. The superintendent or designee shall arrange for a meeting with the grievant to take place within five days of the receipt of the appeal.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the grievant with a written decision within 10 days after the meeting with the grievant.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a

written request for a hearing before the board of education within 10 days of receiving the superintendent's response.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. RECORDS

Appropriate records will be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Cross References: Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500)

Adopted: May 18, 2015

Revised: February 15, 2021

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with policy 1750/7220, Grievance Procedure for Employees, unless a policy with a more specific reporting or complaint procedure applies. Any complaint alleging a violation by the superintendent or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents wrongdoing of the sort described in this policy. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged wrongdoing to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged wrongdoing. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

Each employee will receive a copy of this policy and will sign a statement verifying his or her receipt and understanding of this policy.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 115C-335.5; 126-5(c5), -84, -85, -86, -87, -88

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Employees (policy 1750/7220), Code of Ethics for School Board

Members (policy 2120), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Staff Responsibilities (policy 7300), Employee Conflict of Interest (policy 7730)

Adopted: August 1, 2016

Revised: February 15, 2021; August 19, 2024

GOVERNING PRINCIPLE – STEWARDSHIP OF RESOURCES

Policy Code: **1800**

A system of excellent schools conserves financial and environmental resources and operates in an efficient manner. The board's vision for conserving resources and operating efficiently is expressed in the following board policies:

Board Member Conflict of Interest ..... (policy 2121)
Board Member Compensation and Expenses ..... (policy 2130)
Goals of the Purchasing Function ..... (policy 6400)
Ethics and the Purchasing Function ..... (policy 6401/9100)
Organization of the Purchasing Function ..... (policy 6410)
Continuing Contracts ..... (policy 6425)
Purchasing Requirements for Equipment, Materials, and Supplies ..... (policy 6430)
Purchase of Services ..... (policy 6450)
Goals of Equipment, Materials, and Supplies Services ..... (policy 6500)
Organization of Equipment, Materials, and Supplies Services ..... (policy 6510)
Use of Equipment, Materials, and Supplies ..... (policy 6520)
Personal Use of Equipment, Materials, and Supplies ..... (policy 6521)
Use of Equipment, Materials, and Supplies by Non-School Groups ..... (policy 6522)
Instructional Materials Services ..... (policy 6525)
Resource Conservation ..... (policy 6530)
Hazardous Materials ..... (policy 6540)
Vandalism ..... (policy 6550)
Crowdfunding on Behalf of the School System ..... (policy 7360/8225)
Employee Travel and Other Expense Reimbursement ..... (policy 7650)
Employee Conflict of Interest ..... (policy 7730)
Fiscal Goals ..... (policy 8000)
Budget Planning and Adoption ..... (policy 8100)
Grants and Funding for Special Projects ..... (policy 8210)
Penalties, Fines, and Forfeitures ..... (policy 8230)
Fiscal Management Standards ..... (policy 8300)
Federal Grant Administration ..... (policy 8305)
Depositories ..... (policy 8320)
Daily Deposits ..... (policy 8325)
Insurance ..... (policy 8340)
Individual School Accounts ..... (policy 8410)
School Finance Officer ..... (policy 8510)
School Treasurer ..... (policy 8520)
Facility Design ..... (policy 9020)
Facility Construction ..... (policy 9030)
Bidding for Construction Work ..... (policy 9120)
Care and Maintenance of Facilities ..... (policy 9200)
Sale, Disposal, and Lease of Board-Owned Real Property ..... (policy 9400)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Policy Development (policy 2410)

Adopted: February 6, 2017

Revised: November 20, 2017; February 15, 2021; August 8, 2022

OPERATIONAL GOALS OF THE BOARD

Policy Code: **2000**

The board recognizes the trust and accountability it owes citizens, staff, parents and students in the manner in which it transacts the business of the school system. The board strives to conduct itself in accordance with the following operational goals:

1. acting in accordance with the code of ethics, as provided in policy 2120, Code of Ethics for School Board Members;

2. maintaining effective board/superintendent relations;

3. operating cost effectively and efficiently;

4. conducting business openly;

5. meeting requirements and duties for the board as established in board policy or law; and

6. making decisions with the board's goals, objectives and other principles as the guiding focus.

The board will endeavor to evaluate on a periodic basis its efforts to follow these operational goals. The board may use outside consultants, including the North Carolina School Boards Association, to assist the board in its self-evaluation.

Legal References: G.S. 115C-36

Cross References: Board Authority and Duties (policy 1010), Board and Superintendent Relations (policy 2010), Code of Ethics for School Board Members (policy 2120)

Adopted: June 21, 2010

Reviewed: March 15, 2021

The board recognizes the importance of an effective working relationship between the board and superintendent. The board further recognizes the distinct and separate areas of responsibility of the board and superintendent of the school system. The superintendent is responsible for the administration of the system of schools consistent with the board's policies.

To maintain a cohesive relationship between the board and the school system, the superintendent shall serve as secretary of the board and assist all board committees. The superintendent shall keep the board informed of the operation of the system. The superintendent shall make recommendations to the board as required by law and board policy and as otherwise determined appropriate by the superintendent. The superintendent also shall assist the board in making sound decisions and meeting the requirements of law by providing information and advice regarding all matters that require board action or that must by law be reported by the superintendent to the board.

When acting in his or her official capacity, the superintendent shall provide the board with notice in advance if he or she is called upon to speak before the General Assembly, the State Board of Education, the Board of County Commissioners, or other governmental entities on legislation, policy, or political issues of concern to the board. In addition, the superintendent shall keep the board informed when he or she has been asked to comment upon proposed or pending state legislation or policy.

Legal References: G.S. 115C-36, -47, -276

Cross References: Board Authority and Duties (policy 1010), Duties of Officers (policy 2210), Official School Spokesperson (policy 2220)

Adopted: February 6, 2017

Revised: March 15, 2021

BOARD MEMBER LEGAL STATUS

Policy Code: **2100**

The board of education is a body corporate. Members of the board have authority only when acting as a board legally in session. The board will not be bound in any way by any statement or action on the part of an individual member, except when such action is at the specific instruction of the board.

Legal References: G.S. 115C-40, -41

Cross References: Board Authority and Duties (policy 1010)

Adopted: June 21, 2010

Reviewed: March 15, 2021

A. QUALIFICATIONS

Any person possessing the qualifications for election to public office as provided in Article VI, Section 6 of the Constitution of North Carolina and who is a qualified voter and resident of the election district from which he or she seeks to be elected is eligible to serve as a member of the board of education.

Any person elected or appointed to the board and also employed by the board must resign his or her employment before taking office as a member of the board.

B. MEMBERSHIP AND TERMS OF OFFICE

The board of education will consist of five members. All terms will be for four years with the terms staggered so that as nearly equal to one-half as possible will expire every two years. All elections are partisan and are to be held at the time of the November election in even-numbered years.

C. OATH OF OFFICE

Before taking office, newly elected board members will take and sign the following oath or affirmation at the board meeting held in December following their election:

> "I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of the State of North Carolina not inconsistent therewith, and that I will faithfully discharge my duties as a member of the Stokes County Board of Education, so help me God [omit phrase if affirming]."

If a board member enters on the duties of his or her office before taking, subscribing, and filing the oath of office, he or she will be ejected from office.

Legal References: N.C. Const. art. VI, §§ 6 and 7; G.S. 14-229; 115C-35, -37

Cross References:

Adopted: June 21, 2010

Revised: March 15, 2021

All vacancies in the membership of the Board of Education caused by death, resignation or otherwise will be filled in accordance with G.S. 115C-37.1.

Legal References: G.S. 115C-37.1; Session Law 2019-102

Cross References:

Adopted: June 21, 2010

Revised: March 15, 2021; March 18, 2024

CODE OF ETHICS
FOR SCHOOL BOARD MEMBERS

Policy Code: **2120**

The board recognizes that, collectively and individually, all members of the board must adhere to a code of ethics as required by G.S. 160A-86 and G.S. 115C-47(57).

A. BOARD MEMBER ETHICAL REQUIREMENTS

The following standards will guide each board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;

2. the need to uphold the integrity and independence of the board member's office;

3. the need to avoid impropriety in the exercise of the board's and board member's official duties;

4. the need to perform faithfully the duties of the office; and

5. the need to conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. SPECIFIC BOARD MEMBER COMMITMENTS

In order to implement the above standards, each member of the board commits to do the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;

2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held board meetings;

3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;

4. model civility and integrity to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members; engaging in respectful dialogue with fellow board members on matters being considered by the board; and complying with all board policies that set expectations for conduct, regardless of whether the policies expressly require compliance by board members;

5. respect the confidentiality of information that is privileged under applicable law and refrain from unauthorized disclosure of matters discussed in closed session;

6. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

7. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

8. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;

9. comply with North Carolina General Statute 115C-50 by earning the required 12 hours of training every two years;

10. comply with G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;

11. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;

12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;

13. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;

14. as stated in board policy 2121, Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the board of the board member's spouse, including but not limited to hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind;

15. take no private action that will compromise the board or administration; and

16. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

All newly elected board members are expected to sign a code of ethics statement that includes these provisions at the organizational meeting of the board.

Legal References: G.S. 115C-36, -47(1), -47(57), -50; 160A-86, -87; *Leandro v. State*, 346 N.C.

336 (1997)

Cross References: Board Member Conflict of Interest (policy 2121), Board Member Opportunities for Development (policy 2123)

Adopted: February 8, 2016

Revised: March 15, 2021; March 20, 2023

The board and each member of the board recognize that they are subject to North Carolina's criminal laws related to conflicts of interest in public office and that a board member may not use his or her office for personal benefit. The board and each member of the board further recognize that they are subject to the standards established by the federal government for recipients of federal grants as specified in policy 8305, Federal Grant Administration. The board and each member of the board understand that violation of state and federal laws and regulations on conflicts of interest may result in conviction of a crime, may render a contract of the board void, or may result in loss of federal funds. In keeping with the ethical duties specified in policy 2120, Code of Ethics for School Board Members, board members will not let any personal or business interest interfere with their duties as public officials.

All board members will abide by the following conflict of interest rules.

1. A board member will not solicit or receive personal financial gain from the school system by means of intimidation, undue influence, or misuse of school system employees in violation of G.S. 14-234.2.

2. A board member will not derive a personal benefit from a contract with the school system in violation of G.S. 14-234. Specifically, a board member will not:

    a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

    b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the board member will obtain a direct benefit from the contract; or

    c. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract.

    For purposes of G.S. 14-234, a board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract. A board member is also involved in making a contract if the board takes action on the contract, even if the specific board member did not actually participate in that action, unless the contract is approved under an exception to the law under which the board member is allowed to benefit and is prohibited from voting.

    A board member derives a direct benefit from a contract if the board member or his or

her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of a board member. However, the board member involved will not (1) deliberate or vote on the spouse's employment contract; (2) attempt to influence any other person who is involved in making or administering the contract; or (3) participate in, deliberate on, vote on, or attempt to influence any person with respect to any other matter pertaining to the board member's spouse's employment with the school system, including but not limited to hiring, contract renewal, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind.

3. A board member who is also a director, officer, or governing board member of a nonprofit will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. Once the board member's recusal is recorded in the minutes of the board, the board may enter into or administer the contract.

4. A board member will not deliberate on, vote on, or otherwise engage in the selection, award, or administration of a contract supported in whole or part by federal funds when he or she has a real or apparent conflict of interest under federal rules as provided in 2 C.F.R. 200.318(c)(1) and policy 8305, Federal Grant Administration. For purposes of this paragraph, a conflict of interest arises when a board member or his or her spouse, immediate family member, or partner, or the employer or pending employer of any of those persons, has a financial or other interest in or receives a tangible personal benefit from a firm considered for the contract. Any such conflict must be disclosed to the awarding agency.

   For purposes of the previous paragraph, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

5. A board member will not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from (i) current contractors, subcontractors, or suppliers; (ii) any contractor, subcontractor or supplier that has performed under a contract with the board within the past year; or (iii) any contractor, subcontractor, or supplier that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value ($50 or less) and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law.

   Multiple permitted items from a single contractor, subcontractor, or supplier may not

exceed an aggregate value of $100 in a twelve-month period.

6. A board member will not solicit or accept any gifts from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

7. A board member will not misuse information in violation of G.S. 14-234.1. Specifically, a board member will not use knowledge of contemplated board action, or information known to the member in his or her official capacity and not made public, to:

    a. acquire a financial interest in any property, transaction, or enterprise or gain any financial benefit which may be affected by the information or contemplated action; or

    b. intentionally aid another to acquire a financial interest or gain a financial benefit.

Legal References: 2 C.F.R. 200.112 and 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1, -234.2, -234.3; 133-32; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Code of Ethics for School Board Members (policy 2120), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: February 8, 2016

Revised: December 14, 2018; March 15, 2021; August 8, 2022

ROLE OF BOARD MEMBERS IN HANDLING COMPLAINTS

Policy Code: **2122**

An individual board member who receives a complaint or inquiry from a parent or interested citizen concerning a school matter will refer the complainant to the appropriate school administrator and, when appropriate, advise the complainant of the procedures in place for making such complaints.

The board member also may refer the complainant to the superintendent, who shall determine an appropriate means of responding to the complaint. The board attorney also may be notified of the complaint in accordance with policy 2610, Board Attorney.

Individual board members will refrain from taking individual action with regard to such complaints other than referring them to the proper administrative employee.

Legal References: G.S. 115C-36

Cross References: Responding to Complaints (policy 1742/5060), Board Attorney (policy 2610)

Adopted: June 21, 2010

Reviewed: March 15, 2021

BOARD MEMBER
OPPORTUNITIES FOR DEVELOPMENT

Policy Code: **2123**

Board members are encouraged to participate in school board development activities designed for them. New board members will have the opportunity and will be encouraged to attend orientation programs for new board members sponsored by the state and national school boards associations. It is the responsibility of the board to provide new board members with a thorough orientation to board policies, practices, and duties.

Each board member must fulfill the legal requirement to receive a minimum of 12 hours of training every two years.

All board members must receive a minimum of two hours of ethics education within 12 months after initial election or appointment to office and again within 12 months after each subsequent election or appointment to office. This education must address the laws and principles that govern conflicts of interest and ethical standards for local government officials. The superintendent shall maintain records verifying that each board member has participated in the required ethics education. The ethics education required under this paragraph may be counted towards the 12-hour training requirement.

Unless otherwise approved by the board, such training must be provided by the following entities: the school system, the North Carolina School Boards Association, the Consortium of State School Boards Associations, the School of Government, or the Department of Public Instruction. If a board member wishes to receive training credit or be reimbursed for attending training offered by another entity, he or she must obtain approval from the board.

Funds for participation will be budgeted annually, and reimbursement for expenses will be made in accordance with law and applicable board policy.

Legal References: G.S. 115C-50; 160A-86, -87

Cross References: Code of Ethics for School Board Members (policy 2120)

Adopted: February 8, 2016

Reviewed: March 15, 2021; March 20, 2023

CONFIDENTIAL INFORMATION

Policy Code: **2125/7315**

Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

It is a criminal violation for an employee or board member to do either of the following:

- knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or

- knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: June 21, 2010

Reviewed: March 15, 2021

A. BOARD MEMBER USE OF SCHOOL SYSTEM TECHNOLOGICAL RESOURCES

The board provides its members with access to certain school system technology devices and accounts, including laptops and email accounts, for use in conducting school system business. Board members have a responsibility to use such devices and accounts in a manner that is ethical, respectful, and supportive of the board's duty to provide students with the opportunity to receive a sound, basic education. Like all users of school system technological resources, board members are expected to abide by the generally accepted rules of network etiquette.

1. Responsible Use of School System Technological Resources

   Whenever a board member uses school system computers or other technology devices or accounts or accesses the school network or the Internet using school system resources, the board member must comply with the rules for use listed in Section B of policy 3225/4312/7320, Technology Responsible Use. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

2. Privacy Expectations when Using School System Technological Resources

   Board members should have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used on school system property or elsewhere, and even if the use is for personal purposes. Files or communications created, transmitted, or displayed using school system technological resources or stored on servers or on the storage mediums of individual devices will not necessarily be private. School system personnel may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel may monitor online activities when the Internet is accessed via a school system-owned device. By using the school system's network, Internet access, email system, devices, or other technological resources, board members consent to have that use monitored by authorized school system personnel as described in this section.

B. BOARD MEMBER USE OF PERSONAL TECHNOLOGICAL RESOURCES FOR SCHOOL SYSTEM BUSINESS

As much as is practicable, board members should use school system technology devices and accounts for conducting school system business and storing school system electronically stored information ("ESI"). Though use of personal technology devices and accounts may be convenient for conducting school system business, such use is discouraged when school system resources are reasonably available.

1. Definition of Personal Technology Devices and Accounts

   For purposes of this policy, "personal technology devices and accounts" means technology devices or accounts that are not under the control of the school system and which the school system does not have the ability to access without the board member's assistance. Personal technology devices include, but are not limited to, computers, phones, tablets, and other technological devices that are owned or leased by a board member. Personal accounts include, but are not limited to, personal email accounts and online file storage services (e.g., file hosting services, cloud storage services, social media sites, and online file storage providers that host user files via the Internet). Board member use of personal social media sites is also subject to Section C of this policy.

2. School System ESI on Personal Technology Devices and Accounts

   School system business-related ESI sent and/or received by a board member using a personal technology device or account may constitute a public record or student education record and, as a result, may require retention and disclosure by the school system. In the event of litigation, school system business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold. Board members are cautioned that using personal technology devices or accounts to conduct school system business or to store school system business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. Board members should avoid the use of personal technology when conducting school system business to prevent a conflict between board members' interests in privacy in their personal technology devices and accounts and the school system's legal obligation to preserve certain school system business-related ESI.

   Board members are expected to immediately transfer any school system business-related ESI sent and/or received by the board member using a personal technology device or account to a school system account for proper retention and storage. Board members shall cooperate with school officials in accessing any school system business-related ESI stored on personal technology devices or accounts.

C. BOARD MEMBER USE OF PERSONAL SOCIAL MEDIA

The board recognizes that board members may engage in the use of personal social media to communicate with friends, family, and/or the community. Board members are expected to exercise good judgment in their online interactions, remaining mindful of

their ethical obligations as described in policy 2120, Code of Ethics for School Board Members.

1. Definition of Personal Social Media

   For purposes of this policy, "personal social media" means any social media networks, tools, or activities that are not under the control of the school system. Social media refers to the various online technology tools that enable people to communicate easily over the Internet to share information and resources. It includes, but is not limited to: personal websites, blogs, wikis, social networking sites, online forums, virtual worlds, video-sharing websites, and any other Internet-based applications which allow the exchange of user-generated content. Examples of social media include Web 2.0 tools, Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, Google+, and social media components of learning management systems such as Canvas, Moodle, or Edmodo.

2. Guidelines for All Types of Personal Social Media Use

   Content posted online may be viewed by anyone, including students, parents, employees, and community members. As public officials, board members should be aware that their online behavior serves as an example to employees and students even when they are not engaging directly in school system-related business. The following standards should guide board members' online conduct.

   a. Board members should be professional in all Internet postings related to or referencing the school system, students or their parents, and other employees.

   b. Board members may not post confidential information about students, employees, or school system business.

   c. Board members should not post identifiable images of a student or student's family on a personal social media site without permission from the student and the student's parent or legal guardian.

   d. Board members may not use postings to libel or defame the board, individual board members, students, or school system employees.

   e. Board members should not use personal social media to harass, bully, or intimidate students, employees, or other board members.

   f. Board members may not use personal social media to engage in any other conduct that violates board policy or administrative procedures or state and federal laws.

3. Guidelines for Personal Social Media Use That Is School System-Related
   The school system controls and maintains the school system's official website, as

well as the school system's official Facebook and Twitter accounts. The school system website and social media accounts present information from the local school administrative unit and are not forums for expressing views of individual board members, employees, or members of the public.

Individual board members, acting in their capacity as public officials, may choose to establish personal social media accounts to facilitate their own communications with the community. The following standards are provided to guide board members' personal social media use for school system-related purposes.

a. When presenting information on personal social media, board members should clearly indicate that the information posted reflects the views of the individual board member and is neither endorsed by the board nor necessarily reflective of the views of the board or of an official board policy.

b. A personal social media platform that allows comments from the community may elicit complaints or inquiries from parents or interested citizens concerning school matters. In such cases, the board member should refer the complainant to the appropriate school system administrator in accordance with policy 2122, Role of Board Members in Handling Complaints.

c. Board members should be aware that when they use a personal social media account in their capacity as a public official and allow community members to post comments publicly on the account, they may be creating a "public forum" for speech protected by the First Amendment. If a "public forum" is created, the board member must be careful not to engage in viewpoint discrimination by, for example, deleting a community member's comment because the board member does not like the view expressed in the comment or blocking only certain individuals from being able to post based on their views. Board members are encouraged to consult with an attorney to create viewpoint-neutral rules to govern their school system business-related personal social media accounts.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*; Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458; *Davidson v. Randall*, 912 F.3d 666 (4th Cir. 2019)

Cross References: Code of Ethics for School Board Members (policy 2120), Role of Board Members in Handling Complaints (policy 2122), Technology Responsible Use (policy 3225/4312/7320), Use of Personal Technology to Conduct School Business (policy 3228/7323), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351)

Adopted: March 15, 2021

BOARD MEMBER COMPENSATION AND EXPENSES

Policy Code: **2130**

A. COMPENSATION

Board members will be compensated for the performance of official school system business. The amount of compensation will be established according to applicable laws.

B. EXPENSES FOR CONFERENCES, CONVENTIONS, AND OTHER BOARD DEVELOPMENT ACTIVITIES

Subject to budgetary limitations, the board will defray reasonable out-of-pocket expenses incurred by board members for professional and board development. In accordance with policy 2123, Board Member Opportunities for Development, funds for board member participation in development activities will be budgeted annually. The board chair will monitor expenditures to ensure that expenditures do not exceed the amount of funds allocated in the budget.

1. Authorization to Attend Professional and Board Development

   All professional and board development expenses to be paid with school system funds must support school system objectives and be reasonable in cost.

   Board members who wish to use school system funds to attend a development opportunity within the state must have the prior written approval of the board chair. In order for a board member to use school system funds to attend a development opportunity located out-of-state, the board member must receive the written approval of the board in advance at an official board meeting.

   Board members who attend a conference, convention, or other professional development activity will provide a report of the event to other board members.

2. Reimbursable Expenses

   The board intends that its members exercise good judgment in incurring travel expenses when pursuing professional and board development opportunities. Members are expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. School system funds are not to be used to pay excess costs or additional expenses that are for the convenience or personal preference of a board member or to pay for expenses incurred by family members or other guests of a board member.

   School system funds may be used to pay the following expenses incurred by a board member for attendance at an approved conference, convention, or other

professional development activity.

a. Conference Registration Fees

The board will pay registration fees for approved conferences and other events. Ordinarily, registration is arranged through the superintendent's office and prepaid. If not prepaid, registration fees will be reimbursed in accordance with the requirements of subsection D.1.

b. Lodging Expense

Hotel reservations will be scheduled through the superintendent's office. Hotel expenses not prepaid will be reimbursed in accordance with the requirement of subsection D.1. The allowance for lodging will be limited to reasonable actual and necessary expenses. A board member sharing a room with a family member or guest will be limited to the single occupancy rate. Tips for room service, valet, and other hotel services are not reimbursable. Personal services available at the hotel, such as spa services, laundry, child care, and other personal services, are not reimbursable.

c. Meals

The total daily allowance for meals while traveling overnight on official school system business will be limited to the current state allowances. No reimbursement will be provided for meals for family members or other guests of the board member. Alcoholic beverages are not reimbursable.

In extenuating circumstances, the board chair may authorize reasonable meal costs in excess of the state-approved rates. The vice-chair may authorize excess meal costs incurred by the board chair.

d. Travel by Private Vehicle

Mileage for approved travel will be reimbursed at the current state rate, using the board member's home as the origination point. Parking fees and tolls are also reimbursable.

e. Air Travel

If air travel is necessary, airline reservations will be scheduled through the superintendent's office and paid by the school system in advance. Reservations will be for coach fare only. Airline reservations for traveling companions may be booked at the same time if the board member provides a personal credit card or makes other advance arrangements with the finance officer for personal payment. Taxi or other reasonable and

necessary transportation fees for travel to and from airports are reimbursable. Rental car fees will be reimbursed when it is more reasonable to rent a car than to use a taxi or other transportation option.

3. Personal Expenses

All other travel and related expenses not covered in these guidelines, including, but not limited to, expenses for laundry, entertainment, between meal snacks, pet boarding, and toiletries or other personal items, are considered personal expenses and are not reimbursable.

4. Cancelled Trips and Missed Events

If a board member cancels a trip or otherwise fails to attend an event for which the school system has prepaid or incurred other expense, the board member is responsible for reimbursing the school system for all funds advanced or expended on the member's behalf, including any cancellation fees.

A board member will not be required to reimburse the school system for expenses paid on the member's behalf if the member is not able to travel because of a medical emergency or death in the immediate family or an emergency work situation; however, the board member must reimburse the school system any funds advanced for the travel.

C. OTHER BUSINESS EXPENSES

1. Purchase of Merchandise or Products

Board members should not ordinarily find it necessary to purchase merchandise or other products to carry out official school business. In circumstances when it is reasonable for a board member to make such a purchase, the member should notify the board chair and superintendent in advance of any purchase in an amount greater than $50. Requests for reimbursement for the expenditure of personal funds for merchandise or other products must follow the procedures established in subsection D.1 below, and any additional procedures requested by the finance officer.

2. Other Expenses Incurred in the Conduct of Official Board Business

The board chair may approve reimbursement of other reasonable and necessary business expenses incurred by board members. The vice-chair may approve reimbursement of other reasonable and necessary business expenses incurred by the board chair. Expenses associated with overnight travel require prior written approval from the board chair (or vice-chair for overnight travel by the board chair). All reimbursements will be made in accordance with subsection D.1, below.

D. PROCESS FOR REIMBURSEMENT AND TRAVEL ADVANCES

1. Reimbursements

   Board members will be reimbursed for out-of-pocket expenses incurred in the performance of their duties as provided in Sections B and C. All reimbursements are contingent upon funds available.

   Board members should submit requests for reimbursement, along with supporting documentation of the expenses, within 30 days of incurring the expenses.

   All claims for reimbursement of expenses must (1) be in writing, itemized, and supported with original detailed receipts, except that no receipt is required for meals that will be reimbursed at the state-approved flat rates; (2) document the official school business purpose for which the expenses were incurred; (3) be signed by the board member; and (4) be approved by the board chair (or vice-chair for requests submitted by the board chair). Claims for reimbursement of expenses that required prior approval must also include a copy of the prior written approval. Claims related to attendance at a conference, convention, or other board development activity must also include a copy of the event agenda. Claims involving an event hosted by a board member must also include a list of the individuals in attendance.

2. Travel Advances

   Board members may request an advance of funds for estimated out-of-pocket travel and related reimbursable expenses. The board member is responsible for returning any funds advanced in excess of the board member's documented reimbursable expenses.

Legal References: G.S. 115C-38; 138-6; 153A-92

Cross References: Board Member Opportunities for Development (policy 2123)

Other References: *North Carolina Budget Manual*, Section 5 (Office of State Budget and Management), available at https://www.osbm.nc.gov/library

Adopted: March 15, 2021

ELECTION OF OFFICERS/ ORGANIZATION OF BOARD

Policy Code: **2200**

The board will elect a chairperson and a vice-chairperson to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office prescribed in Article VI, Sec. 7 of the North Carolina Constitution (see policy 2110, Board Member Elections). An organizational meeting for the election and qualification of officers will be held at the regularly scheduled December meeting of the board and as often thereafter as the board determines appropriate. The officers will be elected in the following order: chairperson, vice-chairperson.

If the chairperson or vice-chairperson resigns from office, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

If necessary at any meeting held to elect officers, the superintendent or board attorney will serve as chairperson of the board for the purpose of conducting the election of the chairperson.

Legal References: G.S. 115C-37(d), -41

Cross References: Board Member Elections (policy 2110)

Adopted: January 3, 2000

Reviewed: June 21, 2010; March 15, 2021

The designated officers of the board will be the chairperson, vice-chairperson, chairperson pro tempore, and secretary.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

A. DUTIES OF THE CHAIRPERSON

1. The chairperson has the following duties:

   a. preside at all meetings of the board;

   b. preserve order at all times;

   c. appoint committee members and chairpersons;

   d. serve as ex-officio member of all committees;

   e. call special meetings; and

   f. sign official system documents.

   The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson has the following powers:

   a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;

   b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks;

   c. to entertain and rule on questions of parliamentary procedure;

   d. to call a brief recess at any time; and

   e. to adjourn in an emergency.

3. The chairperson will have a vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to the public.

B. DUTIES OF THE VICE-CHAIRPERSON

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

C. DUTIES OF THE CHAIRPERSON PRO TEMPORE

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

D. DUTIES OF THE BOARD SECRETARY

The superintendent shall serve as ex-officio secretary to the board. The superintendent shall keep the minutes of the meetings of the board but shall have no vote. In the event of a vacancy in the superintendency, or if the superintendent is excluded for a closed session, the board may elect one of its members to serve temporarily as secretary to the board.

As secretary to the board, the superintendent shall:

1. record all proceedings of the board;

2. issue all notices and orders that may be made by the board;

3. ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book, which must be kept in the office of the superintendent and be open to public inspection during regular business hours;

4. manage all correspondence on behalf of the board, unless the board directs otherwise;

5. prepare and distribute copies of the agenda as required by law and board policy;

6. maintain board members' manuals of policies and administrative regulations in current status or, alternatively, ensure board members have effective access to the current electronic versions of the manuals;

7. advise the board of policies previously adopted that affect items on the agenda requiring policy consideration;

8. in the absence of the chairperson and vice-chairperson, call the board meeting to order and conduct the election of a chairperson pro tempore; and

9. perform other duties as required by state law or board policy.

Legal References: G.S. 115C-41(a), -276(b)

Cross References:

Adopted: June 21, 2010

Reviewed: March 15, 2021

Revised: August 8, 2022

The official spokespersons of the school system will be the chairperson of the Board of Education or the Board of Education's designee and the superintendent and designees. Any person speaking in an official capacity shall conduct his or her assignment from the standpoint of the best interests of the board, the school system, and the community, not as a representative of his or her own personal ideas or feelings. In addition, the superintendent and other school employees who are called on to speak in their official capacities as employees of the school system shall communicate the position of the school board when asked to comment on legislative, policy, or political issues.

Legal References: G.S. 115C-36, -276

Cross References: Board Authority and Duties (policy 1010), Board and Superintendent Relations (policy 2010), Code of Ethics for School Board Members (policy 2120)

Adopted: February 6, 2017

Reviewed: March 15, 2021

A. STANDING COMMITTEES

The board will organize standing committees for the purpose of conducting thorough deliberations and investigations of issues and informing and recommending action to the board as appropriate.

Standing committees of the board are:

- Budget
- CTE Advisory
- Policy
- Safety/Security

The chairperson of each standing committee and the members of that committee will be named by the chairperson of the board on an annual basis. The assignment of individual board members to these committees will be published each year.

The committee chairperson will preside at all committee meetings and be responsible for reporting to the board on the activities of the committee. The committee chairperson will call meetings and establish an agenda for each committee meeting that includes any item suggested by the superintendent, committee member or board member.

The board chairperson will be an ex-officio member of each committee. The superintendent or designee shall assist the chairperson of each standing committee in the preparation of the agenda and in ensuring that information is available to the committee during its deliberation of issues.

A standing committee may only make recommendations to the board and has no authority to act on behalf of the board unless specifically authorized by law, board policy or the board.

B. AD HOC COMMITTEES

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Ad hoc committees have no final authority and are subordinate and advisory to the board.

C. OPEN MEETINGS LAW

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties (see policy 2320, Compliance with the Open Meetings Law).

Legal References: G.S. 115C-36; 143-318.9 *et seq*.

Cross References: Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321)

Adopted: March 15, 2021

The board, as a corporate body, may transact business only at official meetings of the board. An individual board member has no authority to act absent the delegation of authority by the board at an official meeting.

As defined by law, an official meeting of the board includes any meeting, assembly, or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the open meetings law.

A. TYPES OF MEETINGS

While the board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the board. In addition, the board may hold specially-called meetings and emergency meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students, and the community.

B. REGULAR MEETINGS

The superintendent shall keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice.

C. EMERGENCY MEETINGS

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the board. The chairperson, or the vice-chairperson, if the chairperson is unable to act, or the superintendent shall call an emergency meeting when it is determined that the meeting is necessary and cannot be delayed until 48 hours' notice is provided for a special meeting as described below in Section D.

D. SPECIALLY-CALLED MEETINGS

1. Specially-Called Meetings Generally

   Specially-called meetings may be scheduled in between regular meetings of the board. Work sessions, retreats, and public hearings are specific types of

specially-called meetings. The board chairperson (or the vice-chairperson, if the chairperson is not available) or the superintendent may call special meetings when necessary to conduct business that cannot reasonably be handled at regular meetings. The board chairperson or superintendent shall call a special meeting if a majority of the members of the board so requests.

2. Retreats and Workshops

Retreats and workshops are specially-called meetings that may be scheduled in order to give the board more time to deliberate or evaluate issues.

3. Public Hearings

Public hearings are official proceedings during which members of the public are given an opportunity to be heard. Public hearings may be required by law or deemed advisable by the board. Public hearings that are not required by law may be scheduled when the chairperson or superintendent determines that the public hearing is advisable or when a majority of the members of the board so requests. Notice of all public hearings will be provided as required by law and will include the subject, date, place, and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of a public hearing is to gather information and hear opinions from the community. Generally, board members will respond only to seek clarification. At the appointed time, the chairperson or designee shall call the hearing to order and preside over it in accordance with any rules regarding participation adopted by the board. When the allotted time expires or when no one wishes to speak, the chairperson or designee shall declare the hearing ended.

E. OPEN MEETINGS LAW COMPLIANCE

The board will comply with the open meetings law, including notice of meetings.

Legal References: G.S. 115C-41; 143-318.9, -318.10, -318.12, -318.14

Cross References: Compliance with the Open Meetings Law (policy 2320)

Adopted: February 8, 2016

Revised: September, 2019

Reviewed: March 15, 2021

The board acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent one or more members from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject to existing board operational policies, state law, and the following procedures and requirements.

A. DEFINITIONS

The following definitions apply in this policy:

1. Official Meeting of the Board

   An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.

2. Remote Participation

   Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.

3. Wholly Remote Meeting

   A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.

4. State-Declared Emergency

   A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.

B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION

1. Meetings During a State-Declared Emergency

   The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, during a state-declared emergency, the board may find it necessary to have some or all of its members participate in meetings remotely.

   During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24 and the requirements of this policy, including the special rules for meetings held during state-declared emergencies described in Section E, below.

2. Meetings Not During a State-Declared Emergency

   The board will not hold wholly remote meetings in the absence of a state-declared emergency.

   The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.

C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION

1. A member may attend a meeting remotely if the member is prevented from physically attending the meeting due to:

   a. personal illness, disability, an order of quarantine or isolation, a government-issued "stay-at-home" mandate, or the recommendation of a medical provider or public health officials to limit public interaction;

   b. out-of-town travel;

   c. an unexpected lack of child-care;

   d. family member illness or a family emergency;

   e. weather conditions;

   f. military service;

   g. employment obligations;

h. a scheduling conflict; or

i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.

2. Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person.

3. No board member may participate remotely more than three times during a calendar year for a reason other than an order of quarantine or isolation, a "stay-at-home" mandate, or a recommendation to limit public interaction, as described in subsection C.1, above; however, in other justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

4. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.

5. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.

6. A board member participating remotely will not be considered present at the meeting for purposes of establishing and maintaining a meeting quorum except as described in Section E, below.

7. A board member participating remotely will be entitled to participate in open session deliberations at the meeting if, and while:

   a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment; and

   b. all persons present at the meeting location are able to hear the board member who is participating remotely.

   When video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.

8. A board member who is entitled to participate in open session deliberations may also participate in a closed session of the meeting if the member provides

assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the member's remote location.

9. A board member considered present through remote participation will not be permitted to vote on any action item at the meeting except as described in Section E, below.

D. PROCEDURE FOR REMOTE PARTICIPATION

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made. If the member has not already received all documents to be considered at the meeting, the superintendent shall arrange for delivery of the materials in a manner that is practicable under the circumstances.

2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.

3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.

4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.

5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:

   a. when the meeting begins or the roll is taken;

   b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and

   c. prior to voting, if voting is permitted as described in Section E, below.

6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.

7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

8. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting. Any interruption to or discontinuation of a member's participation will also be noted in the minutes.

9. The member participating remotely will bear the cost of his or her personal telephone or computer usage and telephone or internet connection as well as any other personal costs incurred while the member participates from a remote location.

E. SPECIAL RULES FOR REMOTE MEETINGS DURING A STATE-DECLARED EMERGENCY

The following modifications and additions to the requirements of this policy apply to meetings held during a state-declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f) and this section.

2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.

3. The board need not provide a location for members of the public to listen to the meeting.

4. All documents to be considered during the meeting shall be provided to each member.

5. The means for simultaneous communication specified in subsection C.4 of the policy must allow for any member to do all of the following:

   a. hear what is said by the other members;

   b. hear what is said by any individual addressing the board; and

   c. to be heard by the other members when speaking to the public body.

6. A member participating by simultaneous communication will be counted as present for quorum purposes, but only during the period that simultaneous communication is maintained for that member.

7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.

8. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:

   a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and

   b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

9. All votes will be taken by roll call.

10. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.

11. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours prior to the scheduled time for the beginning of the public hearing.

12. Subsection C.3 of this policy will not apply to remote meetings held during a state-declared emergency.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. 166A-19.20, -19.22, -19.24; G.S. ch. 143, art. 33C; *State ex rel. Cannon v. Anson Cnty.*, ___ N.C. App. ___ (2024)

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: November 23, 2015

Revised: March 15, 2021; August 4, 2025

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy Code: **2310**

Board meetings are conducted for the purpose of carrying on the official business of the school system. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school system, also wishes to provide a forum for citizens to express interests and concerns related to the school system. In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.3 of policy 2300, Board Meetings, which addresses public hearings.

A. REQUESTS TO PLACE ITEM ON THE AGENDA

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request.

The superintendent shall confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent shall notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) At the meeting, the board may, by majority vote and notwithstanding prior denial by the superintendent, add an item to the agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add a new item to the agenda.

The chairperson shall establish the amount of time for individual or group presentations.

B. PUBLIC COMMENT

Each regular board meeting will include a public comment session for citizens to address the board. Each speaker will receive three minutes to present comments; however, the public comment session will not exceed 30 minutes total except by majority vote of the

board. A sign-up sheet will be available 30 minutes before the meeting begins for any individual or group to indicate their desire to address the board. During the public comment period, the board chair or designee will recognize speakers in the order in which they signed in. Substitute speakers will not be permitted and speakers may not donate any portion of their time to another speaker. If a speaker is unable to present all of his or her information within the specified time limit, the speaker may provide the board with the additional information in written form. If an unusually large number of people request to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a spokesperson for each group of persons supporting or opposing the same positions. At any time, the board may establish additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

C. REPORTS OF COMPLAINTS

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: G.S. 115C-36, -51; 143-318.10, -318.17

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

Adopted: January 5, 2025

COMPLIANCE WITH THE OPEN MEETINGS LAW *Policy Code:* 2320

The board affirms the public policy of this State that hearings, deliberations, and actions of public bodies be conducted openly.

A. APPLICABILITY

All "public bodies" holding official meetings must comply with the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes. The term "public bodies" includes the board, any committees of the board, school improvement teams, and, as defined by law, any other committee of two or more members that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative, or advisory function, unless the committee or group is solely comprised of professional staff.

B. COMPLIANCE

As secretary to the board, the superintendent shall provide required notice and record and maintain minutes, in written form or in the form of audio or audiovisual recording, of all official meetings of the board, board committees, or committees appointed by the board. The principal or designee shall be responsible for compliance with the open meetings law by school improvement teams or any other public bodies at the school level. The superintendent or designee shall make copies of the open meetings law available to any public bodies associated with the school system. The board and other public bodies of the school system are encouraged to consult the school board attorney in accordance with policy 2610, Board Attorney, to obtain advice on complying with the legal requirements of the open meetings law.

1. Notice

   Notice will be given in accordance with law for all regularly scheduled meetings, emergency meetings, and any other meetings, such as public hearings, work sessions, electronic meetings, or retreats.

2. Minutes

   For all official meetings, whether held in open or closed session, minutes will be recorded and maintained in accordance with all legal requirements. For meetings, or portions thereof, in which minutes are kept via audio or audiovisual recording, the minutes will be deemed approved when the superintendent has reviewed the recording for accuracy and completeness and has posted the recording to the school system website.

3. Closed Sessions

Closed sessions will be held only when required to permit the board to act in the public interest and as permitted by law. A motion to go into closed session must be made and adopted in open session in accordance with the requirements of G.S. 143-318.11(c) and policy 2321, Closed Sessions.

Legal References: G.S. 143-318.9, -318.10, -318.11, -318.12

Cross References: Closed Sessions (policy 2321), Board Attorney (policy 2610)

Adopted: February 8, 2016

Reviewed: March 15, 2021

Closed sessions will be held only when required to permit the board to act in the public interest as provided by law.

A. PERMITTED PURPOSES

By majority vote of its members present, the board and other groups subject to the state open meetings law and board policy 2320, Compliance with the Open Meetings Law, may hold or retire to a closed session as permitted by law for the deliberation of the following:

1. to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or that is not considered a public record within the meaning of Chapter 132 of the General Statutes;

2. to prevent the premature disclosure of an honorary degree, scholarship, prize, or similar awards;

3. to consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board, including discussions on the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure;

4. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the board;

5. to establish, or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (a) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (b) the amount of compensation and other material terms of an employment contract or proposed employment contract;

6. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employed or considered for employment with the school system; or to hear or investigate a complaint, charge, or grievance by or against any individual employee;

7. to plan, conduct, or hear reports concerning investigations of alleged criminal misconduct;

8. to formulate plans relating to emergency responses to incidents of school violence or to formulate and adopt the school safety components of school improvement

plans by the board or a school improvement team; and

9. to discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION

While deliberations may occur in closed session, the following board actions must be taken or reported in open session:

1. if the board has approved or considered a settlement in closed session, the terms of that settlement will be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The report should be made in open session unless there is a basis for the report to be heard only in closed session; and

2. final action making an appointment or discharge or removal by the board having final authority for the appointment or discharge or removal.

C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS

The following are expressly prohibited by law as a basis for closed sessions:

1. to discuss general policy matters or other issues that would be open merely because an attorney employed or retained by the board is a participant; and

2. to consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body, or to consider or fill a vacancy among its own membership.

D. PROCEDURE

The board of education will meet in closed session only upon a motion duly made and adopted in public pursuant to G.S. 143-318.11(c). Every motion will cite one or more of the permissible purposes as provided in G.S. 143-318.11(a) and in this board policy. A motion based on the need to prevent the disclosure of information that is confidential or privileged will also cite or name the law that renders the information confidential or privileged. A motion based on the need to consult with an attorney employed by the board regarding the handling or settlement of a lawsuit will identify the parties in the lawsuit.

E. MINUTES

The board will keep minutes of all closed sessions. The minutes of the board must

include a general account of the closed sessions so that a person not in attendance will have a reasonable understanding of what transpired.

Legal References: G.S. 115C-105.27(c1); ch.143, art. 33C

Cross References: Board Committees (policy 2230), Compliance with the Open Meetings Law (policy 2320), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: May 18, 2015

Reviewed: March 15, 2021

All meetings of the board of education, except closed sessions, will be open to representatives of the news media. Mechanical devices may be used during meetings to record, broadcast or photograph board meetings if they do not interfere with the ability of the board to conduct its business.

The placement and use of any equipment necessary to broadcast, film or record a meeting may be regulated by the board to prevent undue interference with the meeting, but not in such a way as to frustrate the coverage of the meeting.

If a meeting room is too small to accommodate all of the personnel and equipment necessary to broadcast, film or record a meeting, the board may require equipment to be pooled. If the news media request an alternate meeting place in order to facilitate news coverage and the board grants the request, the news media making the request are responsible for paying any additional costs that may be involved in securing an alternate site. The board must act in good faith in carrying out these provisions.

If the board holds a meeting by conference telephone call or similar means, it will provide some means for members of the public to listen to the meeting. Notice of an electronic meeting must specify how public access will be provided. The board may charge each listener a fee of up to $25.00 to defray the costs.

Legal References: G.S. 143-318.11, -318.13, -318.14

Cross References: News Media Relations (policy 5040)

Adopted: June 21, 2010

Reviewed: March 15, 2021

The chairperson and the superintendent will prepare a proposed agenda for each board meeting. Each board member will receive a copy of the proposed agenda four days prior to the meeting, and the proposed agenda will be available for public inspection and/or distribution when it is distributed to the board members.

A board member may have an item placed on the agenda of a regular or special meeting of the board by submitting the item in writing to the superintendent's office no later than 5:00 p.m. six working days prior to the meeting. An agenda item requested less than six working days prior to the meeting will be included only if: (1) the inclusion of the item will not unduly prolong the meeting, and there is adequate time available to prepare any necessary materials; or (2) the chairperson and superintendent determine the item is of an urgent nature. Otherwise, an untimely requested item will be added to the agenda for the next regular meeting. A member of the public may submit a request for an item to be placed on the agenda in accordance with policy 2310, Public Participation at Board Meetings.

At the meeting, the board may, by a majority vote, add an item that is not on the proposed agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add an item to the agenda. Any new policy or budgetary items presented as an addendum to the published agenda are not subject to action at the same meeting.

Legal References: G.S. 115C-36

Cross References: Duties of Officers (policy 2210), Public Participation at Board Meetings (policy 2310), Advance Delivery of Meeting Materials (policy 2335)

Adopted: January 3, 2000

Revised: March 15, 2010; March 20, 2017; June 27, 2019; March 15, 2021; July 20, 2026

ADVANCE DELIVERY OF MEETING MATERIALS *Policy Code:* 2335

At least four work days prior to each regular or special board meeting, the superintendent shall provide the following materials to each board member:

1. the proposed agenda;

2. minutes of previous meetings that have not been approved; and

3. any supporting information or materials that would assist board members to become informed of the issues proposed for board consideration.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)

Adopted: June 21, 2010

Reviewed: March 15, 2021

Except as otherwise provided by law or by the policies of the board, meetings of the board will be conducted in accordance with *Robert's Rules of Order, Newly Revised*. The board will follow the rules in *Robert's* for small boards except that motions need to be seconded to move forward and there is no limit on the chairperson's ability to make motions or vote on all questions.

The chairperson is authorized to entertain and rule on questions concerning parliamentary procedure and to seek counsel of the board attorney when necessary to clarify or construe any relevant procedural provision.

Legal References: G.S. 143-318.12

Cross References:

Adopted: June 21, 2010

Revised: March 15, 2021; July 20, 2026

In order to conduct official business at a regular or special meeting, a quorum of the board must be present.

A quorum is defined as a majority of the members of the board. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the Open Meetings Law. Proxy voting will not be recognized by the board.

Legal References: G.S. 143-318.12; *Iredell County Bd. of Educ. v. Dickson*, 235 N.C. 359 (1952), *Edwards v. Yancey County Bd. of Educ.*, 235 N.C. 345 (1952)

Cross References:

Adopted: February 8, 2016

Reviewed: March 15, 2021

Voting will normally be by voice vote on all matters coming before the board for action, but any member may call for a division, in which case the vote will be by show of hands. For remote meetings held during a state-declared emergency, however, all votes will be taken by roll call. Regardless of the method of voting, the minutes will reflect the vote of each member voting and the abstention of any member present but not voting, unless the vote is unanimous.

A board member must vote on all issues unless the member has a conflict of interest or is unable to remain impartial in a judicial matter before the board. If a board member recuses himself or herself from a vote, the member will state the reason before the vote is taken and the reason will be recorded in the minutes.

No secret ballots are permitted. If the board decides, by majority vote, to vote by written ballot, each member must sign his or her ballot, and the ballots must be available for public inspection in the superintendent's office immediately following the meeting and until the minutes are approved. The minutes of the meeting must specify the vote of each member's written ballot. The ballots may be destroyed after the minutes of the meeting have been approved. Written ballots may not be used for remote meetings held during a state-declared emergency.

Legal References: G.S. 143-318.13; 166A-19.24; *Crump v. Board of Education*, 93 N.C. App. 168, *aff'd,* 326 N.C. 603 (1990); N.C. Attorney General Advisory Opinion, 54 Op. Att'y. Gen. 86 (1985)

Cross References: Board Member Conflict of Interest (policy 2121), Remote Participation in Board Meetings (policy 2302)

Adopted: June 21, 2010

Revised: March 19, 2012; August 4, 2025

Reviewed: March 15, 2021

The board of education reserves to itself the functions of developing and revising policies for the school system. The formation and adoption of policies will constitute the primary method through which the board exercises its leadership in the operation of the school system. All policy decisions will be made while keeping in mind the board's objective to provide students with the opportunity to receive a sound basic education.

Board policy is applicable to all schools and programs within the school system unless (1) the board directs otherwise in an individual policy or (2) the board grants a school a waiver requested under policy 3430, School Improvement Plan. In addition, unless otherwise directed by the board, the superintendent may exempt any school designated as a restart model authorized by G.S. 115C-105.37B(a)(2) from any board policy requirements that correspond to a state statute or rule from which restart schools are exempted by law.

Legal References: G.S. 115C-36, -47, -105.37B(a)(2); *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), School Improvement Plan (policy 3430)

Adopted: January 3, 2000

Revised: June 21, 2010; November 20, 2017; August 8, 2022

Reviewed: March 15, 2021

A. POLICY DEVELOPMENT

The board assigns to the superintendent the responsibility of continued review and evaluation of the policies adopted by the board and of bringing to the board's attention the need for adopting, revising, or rescinding particular policies.

Any board member, individual, group of citizens, student, or employee may initiate proposals for new policies or changes to existing policies. The initiator must refer the suggestions to the superintendent for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed new policies or the revision of existing policies, the superintendent shall seek input from the board attorney, other professionals, school system personnel, parents, students, and citizens.

Proposals to adopt, revise, or rescind policies may be added to the agenda in accordance with board policy 2330, Board Meeting Agenda.

B. ADOPTION OF NEW POLICIES

New policies introduced and recommended at a board meeting will not be adopted until a subsequent meeting. Thus, time will be given for further study and for interested parties to react. However, temporary approval may be granted by the board in lieu of formal policy adoption to meet emergency conditions or special events that will take place before a policy can be adopted formally.

During discussion of a policy proposal, the views of the public, parents, students, and staff will be considered. Board members may propose amendments at the first or second reading of the policy. An amendment will not require that the policy go through a third reading except as the board determines that the amendment needs further study and that an additional reading would be desirable.

In order for a policy to be considered official board policy, the board must adopt the policy by majority vote and the superintendent must record the policy in the minutes of the board meeting. Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

C. REVISION OR RESCISSION OF EXISTING POLICY

The board may revise or rescind an existing board policy only by majority vote. If a proposal to revise or rescind a policy is included in the published meeting agenda, the board may take action on the proposal at that board meeting. If, however, a proposal to revise or rescind a policy is presented at the board meeting as an addendum to the

published agenda, the board will not take action on the proposal until a subsequent meeting.

The superintendent is authorized to correct typographical errors in existing policies and to make technical and conforming changes necessitated by changes in state and federal law. Such changes are effective immediately subject to ratification by majority vote by the board at its next board meeting.

D. SUSPENSION OF EXISTING POLICY

The operation of any section or sections of board policies not established by law or contract may be suspended temporarily by majority vote.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)

Adopted: June 21, 2010

Reviewed: March 15, 2021

Revised: August 8, 2022

DISSEMINATION AND PRESERVATION OF POLICIES

Policy Code: **2430**

The superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board and any accompanying administrative procedures or memoranda.

A physical policy manual will be kept at the board of education offices to serve as the official policy manual of the board and will be available for inspection by the public during regular office hours. An electronic duplicate of the official policy manual will be accessible through the school system website. The board intends that the official physical manual and the electronic duplicate will have identical content at all times. However, should a discrepancy between the two arise, it will be resolved in accordance with the board's most recent action on the policy.

The superintendent or designee shall update both the physical policy manual and the electronic copy in a timely manner as new policies are adopted and existing policies are revised or rescinded by the board. The superintendent shall also ensure timely upkeep of any copies of the manual that have been distributed in physical or electronic form.

Legal References: G.S. 115C-36

Cross References: Policy Development (policy 2410)

Adopted: June 21, 2010

Revised: February 18, 2013; August 8, 2022

Reviewed: March 15, 2021

The board of education delegates to the superintendent of schools the power to act in cases in which the board has not provided policy statements to guide administrative action. The superintendent shall inform the board promptly of such action and of the need for policy.

Legal References: G.S. 115C-36, -47, -276

Cross References:

Adopted: June 21, 2010

Reviewed: March 15, 2021

The superintendent shall develop any administrative procedures necessary to implement board policies.

In developing procedures, the superintendent should consult, as appropriate, with principals and other school system personnel, parents, students, the board attorney, and other professionals and citizens. The superintendent may establish formal administrative procedures or use less formal documents, such as memoranda, so long as the documents are preserved and disseminated in accordance with board policy. The board may review an administrative procedure at any time and direct the superintendent to modify, expand or omit the procedure.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted: June 21, 2010

Reviewed: March 15, 2021

All principals and school personnel are encouraged to initiate improvements to the educational program and services for students through school rules, standards and procedures. Unless specifically addressed by the board, the superintendent may determine what matters will be addressed through administrative procedures developed in accordance with policy 2470, Administrative Procedures, and what matters may be addressed through school rules, standards or procedures established by the principal.

Principals are responsible for school rules, standards and procedures and are encouraged to involve staff, parents, students, professionals and citizens as appropriate to the issue.

At any time, superintendent may review and direct the principal to modify, expand or omit a school rule, standard or procedure. All rules, standards or procedures must be consistent with applicable policies of the board, the administrative procedures of the superintendent, and any other applicable laws and regulations.

Legal References: G.S. 115C-36, -47

Cross References: Dissemination and Preservation of Policies (policy 2430), Administrative Procedures (policy 2470)

Adopted: June 21, 2010

Reviewed: March 15, 2021

The board is guided by generally accepted standards of fairness in establishing processes for hearings before the board. Given the board's considerable responsibilities for overseeing the educational program and operations of the schools, the board also strives to be efficient in carrying out its various functions, including conducting hearings.

Unless other hearing processes are required by law or board policy, the following procedures will apply in board hearings. The board reserves the right to modify the procedures described in this policy as necessary in any particular hearing in order to be fair and efficient, in order to meet legal requirements or for any other reason the board deems sufficient.

1. A hearing will be open to the public unless a closed session is permitted by law.

   It is the express policy of the State and this board to make hearings open to the public except for certain purposes specified in the Open Meetings Law.

   Grievance appeals pursuant to policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees, typically will be heard in closed sessions in order to prevent the disclosure of confidential information. Closed sessions will be conducted in accordance with policy 2320, Compliance with the Open Meetings Law.

   The board will consider requests made by a parent, student, or employee to conduct a hearing in open session that is permitted by law to be held in closed session. However, the board will make the final determination of whether a hearing will be held in open or closed session.

2. The superintendent is responsible for providing sufficient notice of the time and place that a hearing will be held and the nature of the hearing that will be available.

   In order to resolve complaints expeditiously, board hearings will be scheduled as promptly as possible and notice given to the parties. The superintendent should provide as much notice as is feasible given the particular circumstances. The superintendent shall provide a copy of this policy and, when possible, specify time limitations on the oral presentation if different from what is provided in number 5 of this policy.

3. Individual hearings will be held unless the board determines that a group hearing would be a more effective process for hearing and addressing the matter.

   When two or more individuals share the same or a similar concern or are involved in the same matter to be heard by the board, the board may consider whether to conduct a group hearing. The board may consider factors such as generally accepted standards of fairness, the need for efficiency, and the ability to prevent the disclosure of confidential

information. The board will consider requests for group or individual hearings and will make the final determination.

4. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

   The superintendent shall confer with the chairperson of the board to determine whether the full board or a panel of the board will conduct a hearing. The board also may establish a panel to hear certain types of appeals, such as student grievances.

5. All parties involved in the hearing may submit written position statements and will be given the opportunity for a limited oral presentation.

   Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified. All parties will be given the opportunity to address the board orally as well. The board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing. Unless a different time frame is established in the notice, in applicable board policies, or at the hearing, each party will be offered 15 minutes to present his or her position to the board.

6. The board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded.

   The board believes that in most instances, permitting the parties to speak before the board enables a fair presentation of the parties' positions. The board may designate types of hearings in which parties may or may not be represented by legal counsel. Any individual intending to be represented by legal counsel must notify the superintendent in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the superintendent and board the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the board and/or superintendent to secure legal counsel for the hearing.

7. Legal rules of evidence do not apply to information considered by the board.

   The board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

8. In reviewing any appeal of a decision of school personnel, the board will determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the superintendent. New evidence will not be permitted unless necessary to prevent a threat of substantial unfairness.

   The board will review the administrative record, including any administrative proceedings, and will provide an opportunity for the superintendent and the party contesting the decision to make a limited oral presentation of their positions. The

submission of documentary evidence and presentation of additional witnesses will be allowed at the discretion of the board.

9. The superintendent is responsible for making a record of the hearing.

   The superintendent shall make any record required by law. At a minimum, the board record will incorporate the administrative record provided to the board for review and any written documents submitted by the parties. The record also will provide the decision of the board and the basis for the decision when such information is required or specified in law or board policy.

Legal References: G.S. 115C-45(c); 143-318.11

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Remote Participation in Board Meetings (policy 2302), Compliance with the Open Meetings Law (policy 2320), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Requests for Readmission of Students Suspended for 365 Days or Expelled (policy 4362), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: November 23, 2015

Revised: March 15, 2021; August 19, 2024

As situations demand, the board may utilize consultants from various fields, including architects, personnel consultants, and instructional/educational consultants. In each case, the board will comply with the requirements of policy 6450, Purchase of Services, in procuring consultant services and will enter into a written contract with the consultant selected, outlining the tasks to be performed, the dates for completion, evaluation procedures, and any other relevant terms.

Legal References: G.S. 115C-47

Cross References: Purchase of Services (policy 6450), Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Facility Design (policy 9020), Supervision of Construction Contracts (policy 9130), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

Adopted: June 21, 2010

Reviewed: March 15, 2021

Revised: August 8, 2022

As needed, the board will enter into contracts for legal service to the school system, including both legal advice and representation in litigation. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney following procedures established by the superintendent. The board attorney shall be responsible for and authorized to address and resolve criminal bail bond and vehicle forfeiture matters in district and superior court.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney's replies will be reported to all board members. The chairperson of a board committee may consult with the board attorney on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.

Legal References: G.S. 15A-544.5, -544.8; 115C-36

Cross References:

Adopted: May 18, 2015

Reviewed: March 15, 2021

LIAISON
WITH SCHOOL BOARDS ASSOCIATIONS

Policy Code: **2650**

The board instructs the superintendent to keep it fully informed of the affairs of the state and national school boards associations and to keep these organizations informed as directed regarding the board's concerns and official positions on matters of common concern. The superintendent shall include in each year's budget the cost of membership in the North Carolina School Boards Association.

All board members are encouraged to attend meetings, conferences and seminars of the state and national organizations in order to familiarize themselves with the latest developments in school affairs. The board also will attempt to be officially represented in association affairs through the election of delegates and/or observers to the governing assemblies of these organizations.

Legal References: G.S. 115C-36

Cross References:

Adopted: June 21, 2010

Reviewed: March 15, 2021

The board will receive assistance from a business advisory council in the performance of its duty to provide career and technical education instruction, activities, and services. In accordance with the requirements of state law, the business advisory council will serve the board by identifying economic and workforce development trends related to the training and educational needs of the community and advocating for strong, local career and technical education programs, including career pathway development that provides work-based learning opportunities for students and prepares students for post-secondary educational certifications and credentialing for high-demand careers.

A. COMPOSITION OF THE COUNCIL

The business advisory council will have nine members, including the superintendent or designee, the career and technical education program director, the president of the local community college or designee, and a principal assigned by the superintendent. The career and technical education program director will be a nonvoting member on the council and will serve as secretary to the council. The majority of members on the council will be business, industry, and workforce and economic development stakeholders, and community members ("business and industry representatives"), such as: local business and industry owners; representatives from local manufacturing centers and factories; human resource directors employed at businesses and industries in the community; representatives from community-based organizations; representatives from economic and workforce development organizations; parents of students enrolled in career and technical education courses; or a representative or manager of the local apprenticeship coalition.

B. APPOINTMENT OF BUSINESS AND INDUSTRY REPRESENTATIVES

1. Initial Appointment of Business and Industry Representatives

   The board will make the initial appointments of business and industry representatives for terms beginning January 1, 2018. The board will divide the initial appointments into four groups as equal in size as practicable and will designate appointments in group one to serve four-year terms, in group two to serve three-year terms, in group three to serve two-year terms, and in group four to serve one-year terms.

2. Subsequent Appointment of Business and Industry Representatives

   a. Reasons for Appointment

      As terms expire for business and industry representatives initially appointed by the board, the council will appoint subsequent members to the council for four-year terms. Any vacancy of a business and industry

representative seat will be filled by the remaining members of the council to serve until the end of that seat's term.

At any time the council may decide, by two-thirds majority vote, to add one or more seats to the council. The council will appoint a business and industry representative to the vacant, newly created seat(s). When increasing the council size, the council may adjust the length of the initial term of a newly created seat in order to keep as equal as practicable the number of members whose terms expire each year.

b. Appointment Process

Any individual interested in serving on the council should contact the career and technical education program director and submit a statement of interest. School system employees, board members, and council members are encouraged to recommend individuals who they believe would be positive additions to the council. The superintendent or designee shall make an effort to recruit a diverse field of qualified candidates.

When a business and industry representative's seat is set to expire or is vacant, a committee of at least two council members appointed by the council chair shall interview the candidates. The committee shall provide all council members with the candidate's statement of interest, the interview information, and the committee's appointment recommendations. The council members shall review the materials provided by the committee and, by majority vote, choose a candidate to fill each seat that is set for expiration or is vacant.

When appointing new members, the council should choose candidates who are concerned with the best interests of the students and the local economy and who are willing to devote the time and effort required of council membership. Ideal candidates will have a particular knowledge or expertise or a unique perspective relevant to economic and workforce development trends related to the training and educational needs of the community. Candidates also should be advocates for strong, local career and technical education programs. Preference will be given to candidates who reside within the school administrative unit. Membership on the council must reasonably reflect the education, business, and community makeup of the school administrative unit.

C. OPERATION OF THE COUNCIL

The business advisory council will operate in accordance with G.S. 115C-172. The superintendent shall provide the council with a meeting space and shall assign necessary administrative staff to assist the council. The council shall report back to the board annually on its recommendations for the school system's career and technical education

instruction, activities, and services. Meetings of the council are subject to the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes.

Legal References: G.S. 115C-47(30), -55, -172; 143 art. 33C

Cross References: Compliance with the Open Meetings Law (policy 2320)

Adopted: November 20, 2017

Revised: March 15, 2021

GOALS AND OBJECTIVES OF THE EDUCATIONAL PROGRAM

Policy Code: **3000**

It is the goal of the board that every student be provided the opportunity to receive a sound basic education and graduate from high school prepared for work, further education, and citizenship. The board recognizes the critical role of parents, governmental and nonprofit agencies, businesses, and the community in helping individual students and the school system meet this goal. To ensure that the educational program meets rigorous academic standards, the board will strive to maintain accreditation of its schools by Cognia and/or the State Board of Education.

A successful educational program also depends on innovation at the individual school level. The board is committed to allowing administrators at individual schools to develop and implement plans necessary to ensure the educational success of their students.

The board will provide an educational program that offers students the opportunity to receive a sound basic education. The program will meet statewide instructional standards as prescribed by the State Board of Education. The board believes that the administrators of the educational program must strive to provide each student with the opportunity to:

1. develop sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics, and physical science to function in a complex and changing society;

2. develop sufficient knowledge of geography, history, and basic economic and political systems to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;

3. develop sufficient academic and career and technical skills to successfully engage in post-secondary or advanced or highly skilled career and technical education and to compete on an equal basis with others in further formal education or gainful employment in contemporary society;

4. learn to be responsible for and accept the consequences of his or her conduct and academic performance;

5. develop the capacity to examine and solve problems;

6. foster respect and appreciation for cultural and ideological diversity and differences;

7. develop the ability to be productive in a team environment;

8. learn and acquire the skills necessary for a lifetime of continuous learning and adaptation to change in the workplace and society;

9. prepare for challenging curriculum beyond secondary school and, when appropriate,

complete high school courses required for college entry in less than four years;

10. achieve high levels of success in a rigorous curriculum;

11. acquire the skills needed for technological literacy in a rapidly changing world; and

12. remain in school and earn a high school diploma and, when appropriate, earn additional college credit.

These goals and objectives of the educational program will be used to guide administrators, teachers, and the board in all of their duties, including curriculum development, selection of materials, and issues related to instructional time.

Legal References: G.S. 115C art. 8 pt. 1; 115C-12(32), -12(39), -36, -47, -151; *Leandro v. State*, 346 N.C. 336 (1997); State Board of Education Policies ACCR-000, GRAD-006, SCOS-016

Cross References: Board Authority and Duties (policy 1010), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Counseling Program (policy 3610)

Adopted: December 5, 1997

Revised: November 1, 1999; June 21, 2010; March 19, 2012, June 17, 2013; February 8, 2016; November 20, 2017; May 17, 2021

The board recognizes that curriculum development must be an ongoing process in order to address continually the changing needs and diversity of all students and to fulfill the educational goals of the board. The board further recognizes that while educators must be responsible for developing the curriculum, parents, other governmental agencies, businesses, and members of the public have valuable insights in the type of curriculum needed.

A. CURRICULUM DEVELOPMENT

The curriculum must be developed to meet state and board requirements, using the current statewide instructional standards as a foundation. The superintendent shall establish a curriculum committee to coordinate curriculum planning and ensure that the curriculum is aligned with the current statewide instructional standards and includes subject-area competencies for each grade level. The committee must include central office administrators, teachers, and school administrators representing the various schools and grade levels. Teachers should receive appropriate training so that they may participate in curriculum development. The committee also must seek input from parents, the community, and experts in order to make fully informed decisions.

The superintendent shall direct the committee to review periodically the curriculum content used in courses addressing the founding principles of our nation.

The committee may recommend that the board expand subject areas and objectives of the curriculum to meet the educational goals of the board and state and federal laws. The committee also may recommend eliminating subject areas or objectives that are not state-required or related to the educational goals of the board.

B. CURRICULUM MODIFICATION BY INDIVIDUAL SCHOOLS

The principal is the instructional leader of the school and is responsible for determining whether the curriculum meets the needs of the students of the school. Accordingly, the principal or designee may consider modifying the curriculum.

If a school official wishes to modify the curriculum, he or she may submit a proposal to the central curriculum committee. Unless the curriculum committee has significant concerns about the proposal, the committee will approve the changes so long as the curriculum maintains continuity. After being approved by the curriculum committee, the proposal must be submitted to the board for approval as a part of the school improvement plan process if the modifications include: (1) expanding or reducing the subject areas or objectives; (2) eliminating subject areas or objectives not required by the state; or (3) waiving local board policies. The curriculum committee shall ensure that the curriculum continues to be aligned with the current statewide instructional standards.

C. EVALUATION

The superintendent shall ensure that the methods for meeting curriculum objectives are regularly evaluated for their effectiveness. The board also encourages external curriculum audits by professional curriculum assessors.

Legal References: G.S. 115C art. 8 pt. 1; 115C-47

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430)

Adopted: December 5, 1977

Revised: February 7, 2000; June 21, 2010; December 20, 2010; June 17, 2013; October 21, 2013; May 18, 2015; November 20, 2017

Reviewed: May 17, 2021

In its effort to provide a rigorous expanded curriculum that will adequately prepare students for future educational and workplace endeavors, the board will support high school students who also wish to enroll in classes taught by a college, university, community college, or other approved entity in accordance with the requirements of this policy, state law, and State Board of Education policy.

A. CAREER AND COLLEGE PROMISE

The Career and College Promise program is designed to offer qualified high school students structured dual enrollment opportunities that provide both entry-level job skills as well as pathways leading to a certificate, diploma, or degree.

The board, in collaboration with local community colleges, may provide for dual enrollment of a qualified high school student in community college courses through (1) a Career and Technical Education Pathway leading to a job credential, certificate, or diploma aligned with one or more high school Career Clusters or (2) a College Transfer Pathway leading to college transfer credits.

The board may also partner with institutions of higher education to establish cooperative innovative high school programs that enable a student to concurrently obtain a high school diploma and (1) begin or complete an associate degree program, (2) master a certificate or vocational program, or (3) earn up to two years of college credit within five years. Students are eligible for these programs beginning in ninth grade.

The superintendent shall develop procedures consistent with this policy, state law, and State Board policies.

B. OTHER COLLEGE COURSES

The superintendent shall develop procedures and requirements for awarding high school credit toward graduation upon request to students who self-enroll in courses taught by a college, university, community college, or other approved entity. Credit toward graduation will be granted only for courses that are consistent with the policies and standards of the school system and State Board requirements, including the requirements of State Board of Education Policy CCRE-001, which defines "Course for Credit."

The principal must approve the course in advance. Prior to granting approval, the principal shall determine whether the course is eligible for credit toward graduation in accordance with the procedures and requirements developed by the superintendent.

The parent or guardian of the student must give permission for the student to take the course, and the student must complete any forms required by the school system.

Enrollment of a student in a course is the responsibility of the student and the student's parent or guardian. Unless otherwise provided, all special fees and charges and any special transportation needs are the responsibility of the student and the student's parent or guardian.

For a student to receive credit toward high school graduation, the school at which the course is offered must provide such essential information as is generally included in official transcripts of school records. This information must include:

(1) a description of the content and subject matter covered by the course;

(2) the number of clock hours of instruction in the course; and

(3) the student's achievement or performance level in the course.

In addition, a syllabus that includes course goals, course objectives, course activities, and grade requirements must be provided.

The student also must meet any other requirements established by the superintendent.

Legal References: G.S. 115C art. 16 pt. 9; 115C-36, -47; 115D-5(b), -20(4); S.L. 2011-145 sec. 7.1A(a), 7.1A(b), 7.1A(c), 7.1A(k); State Board of Education Policies CCRE-001, GRAD-004

Cross References: Curriculum Development (policy 3100)

Adopted: November 20, 2017

Revised: May 17, 2021

A. ONLINE INSTRUCTION GENERALLY

The board recognizes that online instruction is a valuable tool for affording students extended educational options. The board will provide opportunities for students to participate in online instruction to the extent that it is academically and financially prudent.

School counselors shall advise students on North Carolina Virtual Public School courses and other online courses available for credit. Enrollment in an online for credit course will count toward satisfying board requirements related to minimum instructional days, seat time policies, student attendance, and athletic and/or extracurricular obligations.

A student, with the principal's prior approval, may enroll in an online course with assistance from the school e-learning advisor. The principal shall designate a school counselor at the school to serve as the e-learning advisor, who will be responsible for coordinating the enrollment of students in online courses, monitoring students' progress in those courses, and supervising any required testing. In addition, the principal shall ensure that the e-learning advisor implements a plan for supporting credit recovery students throughout the semester.

The superintendent shall develop regulations consistent with State Board of Education requirements and this policy for students enrolling in online instruction.

B. REMOTE LEARNING

When warranted by exigent circumstances and approved by the superintendent, schools may temporarily transition to remote instruction if permitted by law. Board policies remain in effect during periods of remote learning, except that the board reserves the right to deviate from any policy when adherence is impossible or impractical under the circumstances and the deviation is not inconsistent with law. To the extent practicable or when required by law, affected employees, students, and parents or guardians will be notified of the change in advance.

Legal References: G.S. 115C-238.85; State Board of Education Policy CCRE-001

Cross References: Dual Enrollment (policy 3101)

Adopted: November 20, 2017

Revised: May 17, 2021; August 8, 2022

CULTURAL EXCHANGE AND NON-IMMIGRANT STUDENTS

Policy Code: 3103/4131

The board recognizes the educational value of bringing together students of different cultural backgrounds and thus encourages participation in cultural exchange programs. The superintendent is authorized to admit for up to one year students domiciled in foreign countries who are participating in bona fide cultural exchange programs recognized by the United States Department of State. Tuition fees authorized in policy 4135 will not apply to students admitted as part of a cultural exchange program.

Students domiciled in foreign countries who are not participating in a cultural exchange program may apply for admission to the school district under the same terms and conditions as other non-domiciled students as provided in policy 4130, Discretionary Admissions, and in accordance with federal laws governing non-immigrant students. The tuition fee for non-immigrant students will be equal to the total per capita unsubsidized cost of providing the educational program.

A cultural exchange or non-immigrant student may be awarded a diploma or other exit document from the school, provided that the student satisfies all requirements outlined in policy 3460, Graduation Requirements, and successfully completes the following courses while enrolled in the school district: English III, English IV, U.S. History, and Economic/Legal/Political Systems.

Strategic Priorities: High Student Achievement; Effective and Efficient Operations (policy 1100)

Legal References: G.S. 8 U.S.C. § 1372; The Illegal Immigrant and Immigrant Responsibility Act of 1997.

Cross References: Discretionary Admissions (policy 4130)

Adopted: April 17, 2000

Reviewed: August 16, 2010, May 17, 2021

INNOVATION IN CURRICULUM AND INSTRUCTION

Policy Code: **3110**

The board welcomes new and innovative ideas in curriculum as additional avenues to achieve the goals and objectives of the educational program. Administrators are encouraged to pursue innovative programs and to take advantage of community resources in order to enhance and enrich the learning process. In addition, the board believes that parental involvement is vital to the development and implementation of new programs and encourages administrators to involve parents in plans for innovative projects.

The board encourages school administrators to use community resources, including businesses, that can effectively contribute to the advancement of educational goals. Resource persons in the community may be used in the classroom to help with teaching the prescribed curriculum. High school administrators are encouraged to partner with local businesses to facilitate high school-to-work partnerships for students who have indicated that they are unlikely to seek higher education. The board encourages local businesses to work with high school administrators to create opportunities for students to complete job shadows, internships, or apprenticeships. The career and technical education administrator shall designate a career development coordinator at each high school to be the contact person for local businesses.

The superintendent shall periodically consult with local industries, employers, business advisory councils, and the local workforce development board to identify industry certification and credentials the board may offer to best meet workforce needs. The superintendent shall consider this information in planning the educational program.

Other innovative pilot programs may be initiated by the administrators of any school with the approval of the board. Such programs should be included in the proposed school improvement plan. If the program will modify the curriculum, the proposal should first be submitted to the curriculum committee in accordance with policy 3100, Curriculum Development. If a school improvement plan is already in effect, school administrators may submit a modified plan for board approval. Board approval is required before implementation may take place.

All pilot projects and educational programs must comply with state and federal laws and regulations. Parents and guardians of children in applicable federally funded programs have the right to inspect all instructional materials used in connection with such programs.

The superintendent shall develop administrative regulations, as necessary, to implement this policy.

Legal References: 20 U.S.C. 1232h; G.S. 115C art. 16; 115C-36, -47, -156.2(a), -157

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), School Improvement Plan (policy 3430)

Adopted: February 7, 2000 Revised: June 21, 2010; November 1, 2011; October 21, 2013; November 20, 2017
Reviewed: May 17, 2021

CURRICULUM AND INSTRUCTIONAL GUIDES

Policy Code: **3115**

Curriculum and instructional guides must be developed as necessary to support the current statewide instructional standards; policy 3000, Goals and Objectives of the Educational Program; and any other expanded objectives or subject matters approved by the board. State curriculum guides must be followed when mandated by state law.

A. DEVELOPMENT/MODIFICATION OF GUIDES

The curriculum committee shall develop new guides and/or modify existing guides that are to be used system-wide.

Individual schools may modify the curriculum and instructional guides as a part of the school improvement plan. Any modifications must be approved by the curriculum committee to ensure the continuity of the educational program.

B. USE OF GUIDES

Curriculum and instructional guides are to serve as a framework from which a teacher will develop units of study, individual lesson plans and approaches to instruction that will serve the students' needs.

The guides will be used to map the logical sequence of instruction. Teachers are expected to follow the sequence in subjects, such as reading and mathematics, in which sequence is important.

Teachers must follow the content of the curriculum and instructional guides. Teachers are expected to use their professional judgment in determining the most effective methods for implementing the guides.

The principal shall ensure that teachers have access to curriculum and instructional guides.

Legal References: G.S. 115C art. 8 pt. 1; 115C-36, -47

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), School Improvement Plan (policy 3430)

Adopted: June 21, 2010

Revised: June 17, 2013; May 17, 2021

Instructional delivery plays a crucial part in the attainment of educational goals and objectives. Well-prepared lesson plans help ensure superior delivery of the curriculum program.

Each teacher shall prepare daily lesson plans based on the current statewide instructional standards and applicable curriculum and instructional guides developed by the school system. The following criteria should be followed regarding lesson plans:

1. Daily lesson plans should be accessible to the school principal at any time during the school day.

2. Teachers shall maintain lesson plans for one year in order to allow the teacher and supervisory staff the opportunity to assess instructional delivery and evaluate whether there are gaps in the curriculum.

3. When planning lessons, teachers must consider:

    a. specific outcomes and objectives that relate to the curriculum;

    b. planned activities, instructional strategies and special materials;

    c. effective use of technological resources;

    d. activities to address individual student needs;

    e. assessment/evaluation criteria; and

    f. evidence of curriculum alignment and continuity of the instructional program.

Teachers are responsible for seeking clarification whenever they are unsure about the requirements of this policy.

Pursuant to the school improvement plan, every full-time assigned classroom teacher must be provided duty-free instructional planning time, with the goal of providing an average of at least five hours of planning time per week.

Principals are responsible for ensuring compliance with this policy. Staff development opportunities should be provided, as necessary, to facilitate compliance.

Legal References: G.S. 115C-47, -105.27, -288, -301.1, -307

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Technology in the Educational Program (policy 3220), School Improvement Plan (policy 3430)

Adopted: June 21, 2010

Revised: February 18, 2013; June 17, 2013

Reviewed: May 17, 2021

GROUPING FOR INSTRUCTION

Policy Code: **3130**

All students are expected to meet state and local academic performance standards. The board acknowledges that heterogeneous grouping usually is the best means of meeting the educational goals of the board. However, the board recognizes that students may differ in the amount of time needed or in the instructional methodology that will best assist them in learning the curriculum. If homogeneous grouping is used, students should be returned to the heterogeneous environment once their needs are met.

If grouping practices are used, the following factors must be considered:

1. the individual student's best opportunity for achievement;

2. the skill level of the student;

3. the most effective instructional climate for the student;

4. the ages and maturity levels of the students in the group;

5. the most effective instructional climate for the group; and

6. the most effective social climate for the group and the student.

Race or sex discrimination will not be tolerated. If homogeneous grouping materially affects diversity, the person proposing such grouping must demonstrate that the benefits of homogenous grouping clearly outweigh the benefits of meeting the board's educational goals of diversity.

The principal has the authority to assign students to classes (see policy 4155, Assignment to Classes), including the authority to group students for instruction in accordance with this policy. However, the principal should include others in this decision-making process. Thus, the principal may solicit recommendations from teachers and review requests by parents considering homogenous grouping. The principal also may evaluate whether the factors that indicated the need for homogenous grouping still exist.

This policy is not intended to alter teachers' discretion to group for instruction within classes. Such ad hoc grouping also may be considered as an intervention strategy to improve student performance. However, ad hoc grouping for daily instruction should not result in a student's being isolated for a major portion of the school day.

Legal References: G.S. 115C-47, -276, -288

Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Assignment to Classes (policy 4155)

Adopted: June 21, 2010
Revised: May 17, 2021

The board recognizes the importance of homework in supplementing classroom instruction and furthering the goals of the educational program. Homework reinforces learning and fosters independence, responsibility and self-direction.

Homework assignments should strengthen skills, provide practice in subjects that already have been taught in class and improve a student's ability to work independently. Teachers should take into consideration the differences in financial, educational and technological resources of students and their parents or guardians when making assignments. In addition, the amount of time necessary to complete the tasks should be reasonable in light of the age and maturity of the students and other assignments given to the students.

Principals shall ensure that homework assignments are made in accordance with this policy. Principals are encouraged to involve staff, parents and students in developing standards for appropriate types and amounts of homework for the school or particular grade levels.

Legal References: G.S. 115C-36, -47, -307

Cross References: Goals and Objectives of the Educational Program (policy 3000)

Adopted: June 21, 2010

Reviewed: May 17, 2021

EVALUATION OF INSTRUCTIONAL PROGRAMS *Policy Code:* **3140**

The board recognizes the importance of having a systematic process for evaluating instructional programs. An evaluation process should identify any need for modifications to the instructional program in order to meet the educational goals of the board and state standards for student achievement.

An effective evaluation process should focus on the educational process as well as the outcomes of instructional programs by including techniques such as the following:

1. testing programs, such as nationally standardized general achievement tests, national standardized tests and criteria reference tests in specific subject areas, and tests administered by other agencies;

2. observations, surveys, interviews, anthologies and portfolios;

3. student records, including school achievement records and dropout records of students;

4. periodic surveys of staff, parents, students and community members; and

5. review by outside professionals such as U.S. Department of Education specialists and specialists from other agencies.

The superintendent is responsible for ensuring that periodic evaluations are taking place and for reporting the results with recommendations to the board of education. Any student surveys used for evaluating the programs must be approved in advance by the superintendent. Instructional programs also may be evaluated and changes implemented as a part of a school's improvement plan, so long as the school continues to comply with all related board policies. The board encourages professional development for teachers and administrators so that changes in the instructional program may be implemented as effectively as possible.

Legal References: G.S. 115C-36, -47, -276

Cross References: Goals and Objectives of the Educational Program (policy 3000), Testing and Assessment Program (policy 3410), School Improvement Plan (policy 3430)

Adopted: June 21, 2010

Reviewed: May 17, 2021

SELECTION OF INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Policy Code: **3200**

In order to help fulfill the educational goals and objectives of the school system, the board strives to provide instructional and supplementary materials that will 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 and supplementary materials constitute all materials, whether print, non-print, digital, or any combination thereof, used in the instructional program.

A. SELECTION OF INSTRUCTIONAL MATERIALS

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

1. Selection of Instructional Materials

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

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 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;

h. the reputation and significance of the material's author, producer, and publisher; and

i. 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, shall review materials routinely 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, 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, 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, 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, -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), Inspection of and Objection to Instructional and Supplementary Materials (policy 3210), School Improvement Plan (policy 3430), Gifts and Bequests (policy 8220)

Adopted: May 8, 2000

Revised: May 21, 2007; June 21, 2010; February 18, 2013; June 17, 2013; March 29, 2018; August 17, 2026
Reviewed: May 17, 2021

INSPECTION OF AND OBJECTION TO INSTRUCTIONAL AND SUPPLEMENTARY MATERIALS

Policy Code: **3210**

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 parents, teachers, and community members still may have concerns about certain instructional and supplementary materials used in the school system. The board respects the right of parents to review instructional and supplementary materials, as those terms are defined in policy 3200, Selection of Instructional and Supplementary Materials, and provides processes for objecting to the use of specific 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. 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 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. OBJECTIONS TO MATERIALS

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 media 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, held in a formal school library or in a classroom 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 (policy 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: June 21, 2010

Revised: February 18, 2013; November 24, 2014; May 17, 2021; December 18, 2023; August 17, 2026

In alliance with the North Carolina Digital Learning Plan, the board is committed to establishing and supporting effective digital teaching and learning practices supported by contemporary information and communications technology systems to foster globally competitive students prepared for modern life. The board recognizes the benefits of digital and technology-enabled and -enhanced teaching and learning resources that provide the ability to make data more accessible, personalize learning, easily customize curriculum, provide access to current information, and enable access to quality materials at a lower cost than traditional materials. To that end, the board supports classroom digital and technology-enabled and -enhanced teaching and learning resources that are aligned with the current statewide instructional standards. In addition, to the extent funding permits, the board will endeavor to ensure that all students have access to personal digital and technology-enabled teaching and learning devices to foster the skills necessary for future-ready learners.

The board expects that information and communications technologies will be integrated seamlessly across the curriculum and used to support student achievement and to prepare students to be successful in college, in careers, and as globally engaged, productive citizens. The curriculum committee should provide suggestions in the curriculum guides referenced in policy 3115, Curriculum and Instructional Guides, for integrating technological resources (as defined in Section A below) into the educational program. School administrators and teachers are encouraged to develop additional strategies for integrating technological resources across the curriculum and utilizing the power of technology to personalize learning and improve learning outcomes while making more efficient use of resources. The strategies should be included in the school improvement plan if they require the transfer of funds or otherwise relate to any components of the school improvement plan.

The superintendent shall oversee development of the school system's digital teaching and learning vision as part of the school system's strategic plan and a yearly action plan that aligns to the vision. The development and ongoing review of the vision and the action plan will include various stakeholders such as curriculum leaders, teachers, administrators, students, parents, and representatives from technology services, instructional technology, finance, and other departments as required. The action plan will include adequate data privacy protections to secure student data and will take into account the level of out-of-school Internet access for students.

The superintendent may establish relationships with businesses and seek grants and other funding sources in an effort to acquire additional technological resources for the educational program and to support continuous out-of-school Internet access for students.

A. SELECTION OF TECHNOLOGICAL RESOURCES

Technological resources are information and communications technologies including, but not limited to, the following: (1) hardware, including both fixed and mobile technologies

and devices such as desktop computers, laptops, netbooks, tablets, e-readers, smartphones, and gaming devices; (2) software, including cloud-based and web-based applications, programs, and platforms; (3) network and telecommunications systems and services; (4) Internet access; (5) multimedia equipped classrooms; (6) computer classrooms and laboratories; and (7) other existing or emerging mobile communications systems. All technological resources must be purchased and used in a manner consistent with applicable law and board policy, including laws and policies related to copyright, public records, bidding, and other purchase requirements, accessibility for students with disabilities, staff duties, and standards for student behavior.

Technological resources must meet or exceed the following standards before they may be considered for implementation.

1. Technological resources must support the current statewide instructional standards or the programs of the school system.

2. Technological resources must support the current use of learning and instructional management technologies in the school.

3. Technological resources must be compatible with the condition of the network and other infrastructure resources. The technology director shall set minimum standards for technological resources that are purchased or donated. Upgrading, hardware conditions, and similar requirements must be maintained to the highest standards.

4. There must be sufficient staff to operate and maintain the technological equipment, programs, and systems.

5. There must be adequate funds budgeted to implement and support the technological resources and to train instructional staff to use the resources to improve educational outcomes.

Procurement of technological resources should be done in collaboration with teachers and technical support staff, as appropriate. Whenever possible, a pilot period to test the resource should occur prior to full purchase.

B. DEPLOYMENT OF TECHNOLOGY TO SCHOOLS

The superintendent shall oversee the development of the school system's technology deployment and refresh plan. The plan will be designed to ensure organized, effective, efficient, and sustainable means of deploying and maintaining technology resources and will establish appropriate refresh/replacement cycles. The superintendent shall develop procedures that outline the strategy of the technology deployment and refresh plan.

C. BRING YOUR OWN TECHNOLOGY (BYOT) INITIATIVE

The superintendent is authorized to investigate and develop a plan to allow staff and students the option to use their personal electronic devices in place of or along with their school system assigned devices. The plan should address, at a minimum, the instructional use of personal devices, compatibility requirements, access limitations or requirements, content filtering, security, and other issues as recommended by the technology director. The plan should assign personal responsibility to the user for repair and replacement of damaged or stolen devices and for any data or other charges arising from use of a personal device. The plan should require a written agreement for the use of personal technology devices from each student and staff member who wishes to participate in the BYOT initiative. The plan should ensure that students who are unable to bring in outside technology will be able to access and utilize school equipment so that no student is excluded from instruction due to lack of access to technology.

D. ELECTRONIC COMMUNICATION AND OTHER COLLABORATIVE TOOLS

The superintendent is authorized to permit instructional personnel to incorporate email, social networking sites, blogs, wikis, video sharing sites, podcasts, video conferencing, online collaborations, instant messaging, texting, virtual learning environments, and/or other forms of direct electronic communications or Web 2.0 applications for educational purposes to the extent the superintendent deems appropriate and in accordance with policy 7335, Employee Use of Social Media. The superintendent shall establish parameters and rules for use of these tools and shall require instruction for students in how to use such tools in a safe, effective, and appropriate way. Instructional personnel shall make all reasonable attempts to monitor student online activity and shall otherwise comply with the requirements of policy 3225/4312/7320, Technology Responsible Use, when using these tools.

E. TECHNOLOGY-RELATED PROFESSIONAL DEVELOPMENT

The superintendent shall plan a program of professional development for digital teaching and learning that prepares administrators, teachers, coaches, school library media coordinators, and technical support staff to utilize digital tools and resources in accordance with the N.C. Digital Learning Competencies for Teachers and Administrators. Professional development shall emphasize technology integration and continuous improvement, including the use of ongoing technology-integrated online-learning activities throughout the course of study and the provision of personalized learning. Professional development shall also address the ethical, legal, and practical issues related to social networking and mobile devices in the classroom and other topics deemed necessary by the superintendent or technology director. To the extent possible, job-specific professional development opportunities should be made available, as well as professional development that is personalized to meet the needs of individual staff.

School improvement teams should identify any staff development appropriations for technology-related professional development in their school improvement plans. The superintendent and technology director should assist schools in coordinating staff development needs as provided in policy 1610/7800, Professional and Staff

Development.

Legal References: G.S. 115C-522, -528; 143B-1341; State Board of Education Policy SBOP-018

Cross References: Professional and Staff Development (policy 1610/7800), Curriculum and Instructional Guides (policy 3115), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), School Improvement Plan (policy 3430), Integrity and Civility (policy 4310), Public Records – Retention, Release, and Disposition (policy 5070/7350), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Gifts and Bequests (policy 8220)

Other Resources: North Carolina Digital Teaching and Learning Competencies for Teachers and Administrators, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/digital-teaching-and-learning/digital-teaching-learning-standards#digital-learning-competencies-for-educators; The North Carolina Digital Learning Plan (2022), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/digital-teaching-and-learning/digital-learning-initiative#:~:text=The%20North%20Carolina%20Digital%20Learning%20Plan%20describes%20the,Learning%20Initiative.%202022%20North%20Carolina%20Digital%20Learning%20Plan

Adopted: November 1, 1999

Revised: October 24, 2005; June 21, 2010; February 18, 2013; November 24, 2014; May 18, 2015; November 20, 2017; March 20, 2023

Reviewed: May 17, 2021

Purpose
This document analyzes generative artificial intelligence technologies, specifically large language models, and its role in our local education agency. Generative AI presents a wide variety of opportunities to increase efficiency and efficacy in student learning for all stakeholders. However, generative AI can also be used irresponsibly which can lead to a negative impact on student learning. This document will serve as a comprehensive framework to guide the responsible and effective integration of generative artificial intelligence technology by teachers and students, ultimately aiming to support student learning, growth, and development in a safe, inclusive, and equitable manner.

What is Artificial Intelligence (AI)?
Artificial intelligence (AI) is the science of making machines think like humans. While AI has been around for decades, the term Generative AI has gained popularity due to popular companies like OpenAI releasing applications like ChatGPT. Generative AI tools use trained data, oftentimes from the internet, to generate text, audio, images, video, or code-based content. These AI tools are constantly evolving and are easily accessible to anyone with internet access which has led multiple states to develop AI guidelines and policies.

Leadership & Vision
Stokes County Schools aims to drive innovation and produce globally competitive students for the future. In order to achieve these goals, Stokes County Schools has decided to follow in the footsteps of NCDPI Guidelines in their approach to generative AI and prepare staff and students to continue closing the digital divide. Generative AI is a powerful tool that has the ability to transform how teaching and learning is expanded such as providing additional learning support to students, adapting teaching methods, enhancing accessibility to underrepresented groups in education, and enabling teachers to customize learning experiences for personalized learning.

Our district is committed to using AI technologies but doing so in an ethical and responsible manner as laid out in the "AI Roadmap for K12 Schools". District and school leadership will be responsible for providing consistent professional development, resources, and support regarding generative AI. These efforts will continue with providing students, parents, and the larger community opportunities to learn about AI to ensure a common understanding.

Responsible Use of AI Tools
Our school district recognizes that responsible uses of AI will not be consistent across all platforms, classrooms, and assignments. Teachers should clarify if, when, and how AI tools will be used to serve educational goals.

Student Learning

- **Content Creation & Enhancement**: AI can help to generate learning materials, including visual aids, content, and more, to help students organize thoughts.
- **Collaborative Learning Environments**: AI can facilitate collaboration among students by providing tools for effective communication and teamwork.

- **Ethical and Cultural Education**: Generative AI can be used to create simulations and scenarios that explore ethical dilemmas, cultural differences, and social issues in order to help students develop critical thinking skills.
- **Language Translation:** AI tools can easily translate resources for students to provide further information about cultural content or language services.
- **Interactive Learning Materials**: Generative AI can create interactive learning materials such as quizzes, simulations, and tutorials that engage students in active learning.
- **Personalized Learning Paths**: AI can analyze students' learning patterns, preferences, and strengths to create personalized learning experiences tailored to individual needs and interests. By targeting instruction and resources, the learning potential of students can be maximized.
- **Feedback and Remediation**: AI algorithms can provide instant feedback on student assignments, identifying areas of strength and weakness and offering personalized recommendations for improvement.

Teacher Support

- **Data Analysis and Assessment**: Generative AI can analyze large volumes of educational data, such as student performance metrics, attendance records, and demographic information, to identify trends, patterns, and areas for improvement, allowing teachers to make informed decisions.
- **Differentiated Instruction**: AI can help teachers implement differentiated instruction by automatically generating alternative learning activities, assessments, and instructional materials to meet the diverse needs of students with varying learning styles.
- **Research and Resource Compilation**: AI can help educators by recommending books or articles relevant to a lesson and updating teachers on pedagogy, research, and methods.
- **Language Translation:** Educators can use AI tools to provide translation services to students and parents in a vast array of languages that meet the needs of all.

These are varying examples of generative AI for instructional purposes with responsible and ethical intentions. Not all examples are limited to those listed above.

Prohibited Use of AI Tools

While there is an abundance of responsible ways to use AI, we also recognize that there are risks that must be addressed. Below are the prohibited uses of AI tools.

- **Plagiarism and Cheating:** Students and staff should not copy from any source, including generative AI, without prior approval and adequate documentation. Students should not submit AI-generated work as their original work. Doing so will be a violation of the Academic Integrity Policy outlined in the Student Handbook.
- **Bullying and Harassment:** Using AI to manipulate media – including creating or sharing deepfakes – to bully, harass, or engage in any form of intimidation is strictly prohibited. All users of AI are expected to use these tools for educational purposes only and must uphold the values of respect, integrity, and responsible digital citizenship.

- **Over-reliance:** While AI is beneficial, sole dependence on AI without reviewing its outputs thoroughly diminishes its effectiveness.
- **Compromising Privacy:** Students and staff should never insert personal information of themselves or others into generative AI tools. All data is to remain confidential and secure.

Ethical Considerations & Safety

While generative AI has the capability to be extremely beneficial, there are several ethical considerations that users need to be aware of before using generative AI. The information that generative AI uses comes from the internet which means that there is a potential threat that the information is not accurate or includes biases around race, religion, and politics. In order to combat this, it is recommended that generative AI is not used as a search engine for return content and is thoroughly checked for inaccuracies. All AI generated content and resources should be cross-checked with verified academic sources.

Data privacy and security should be maintained at all times while using generative AI. Users should use caution when inputting data into these tools as to not include any identifying information as this sensitive data will become publicly available. If you are wanting AI to analyze any sort of data, it is recommended that you change anything that could identify a person or location. Protecting the integrity of personalized data is essential to following FERPA, COPPA, CIPA, IDEA, and other related federal laws.

Most generative AI tools provided by companies have a reporting tool if misinformation or bias is found by the user. Oftentimes these can be seen as a 'flag' or 'thumbs up or down' by the context window. Prior to using any AI tool, consult your Technology Department or Instructional Technology Facilitator to verify that the tool you are using is in compliance. Certain AI tools may be blocked by the district based on recommendations from NCDPI or safety concerns that pose an imminent threat to user privacy rights.

Academic Integrity

Stokes County Schools believes that when used appropriately, AI technologies have the potential to support teaching and learning, and teachers and students are encouraged to use AI. However, we are dedicated to fostering a culture of academic integrity and honesty among our community.

Student Policy

Students are expected to demonstrate respect for intellectual property rights and the contributions of others and must refrain from any form of academic dishonesty. This includes cheating, plagiarism, or unauthorized collaboration. It is the responsibility of the student to ensure that their use of AI tools complies with the parameters of the academic assignment, and if they are not sure, they will seek guidance from their teacher. If the appropriate use of AI technology has been used it must be cited. Refer to Student Handbook for Integrity Conduct and Consequences.

Faculty & Staff Policy

Faculty and staff are expected to use generative AI in an ethical and responsible manner only that adheres to the North Carolina Professional Teaching Standards. Educators

should consistently follow all policies and guidelines established by federal, state, and local authorities. The use of generative AI tools does not and should not dismiss or transcend educator decision-making. Like students, teachers are expected to demonstrate respect for intellectual property rights and the contributions of others and must refrain from any form of academic dishonesty. It is the responsibility of the teacher to communicate to students whether AI may be used on assignments for class.

Review

Consistent review of this policy is necessary to ensure that it continues to meet federal, state, and local changes in laws and policies. Professional development opportunities will be updated and offered routinely to ensure that information is accurate and up to date with the latest technologies. As artificial intelligence continues to evolve, feedback on this policy is welcome from stakeholders.

Adopted: July 22, 2024

Revised: August 18, 2025; September 22, 2025

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal, and responsible use. Accordingly, the board establishes this policy to govern student and employee use of any technological resources owned, leased, maintained, or otherwise controlled by the school system. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools, and learning environments made available by or on the networks, and all devices that connect to those networks.

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices, accesses the school's electronic storage or network, or connects to the Internet using school system-provided access must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

1. School system technological resources are provided for school-related purposes

only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.

Student personal use of school system technological resources for amusement or entertainment is prohibited unless approved for special situations by the teacher or school administrator. In addition, student access to social media platforms is prohibited, except when expressly directed by a teacher solely for educational purposes.

Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

The superintendent or designee will provide guidelines to ensure that any Wi-Fi hotspots used off school system property were not purchased using E-Rate funds.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

4. Users must follow any software, application, or subscription services terms and conditions of use.

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.

6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others.

    a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

    b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

    c. Users may not forward or post personal communications without the author's prior consent.

    d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such recordings or pictures in any way, without the consent of the other students and/or employees and the principal or designee. An exception will be made for recordings at events that are open to the public, such as athletic competitions, band and choral concerts, assemblies, presentations, and award ceremonies. If recording at a public event is restricted for any reason, including due to copyright issues (e.g., a school play), students, employees, and all other members of the audience will be notified of the recording restrictions before the event begins.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.

11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, accounts, data, or information.

13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

17. It is the user's responsibility to back up data and other important files.

18. Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.

19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

Exceptions to these rules may be made for employees whose activities are necessary to carry out their job responsibilities and are authorized by law.

C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students

may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise age-inappropriate or harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose as well as websites, web applications, or software that do not protect against the disclosure, use, or dissemination of a student's personal information. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet.

D. PRIVACY

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220, Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

F. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

1. Students

   Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. USE AGREEMENTS

All students, parents, and employees will be informed annually of the information in this policy and in any applicable generative artificial intelligence (AI) guidelines developed in

accordance with policy 3220, Technology in the Educational Program. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and the generative AI guidelines and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system and must sign a copy of the generative AI guidelines.

H. CONSEQUENCES

Based on the nature and severity of the offense and the circumstances surrounding the incident, violations of this policy will result in appropriate remedial actions or discipline up to and including long-term suspension for students and dismissal for employees and may result in revocation of user privileges. Willful misuse may also result in criminal prosecution under applicable state and federal law.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5), 47 C.F.R. 54.516; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-47(70), -102.10, -325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 143-805

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Other Resources: North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools, available at https://go.ncdpi.gov/AI_Guidelines

Adopted: February 6, 2017

Revised: May 17, 2021; August 4, 2025; July 20, 2026

A. INTRODUCTION

It is the policy of the board to: (a) prevent user access via its technological resources to, or transmission of, inappropriate material on the Internet or through electronic mail or other forms of direct electronic communications; (b) prevent unauthorized access to the Internet and devices or programs connected to or accessible through the Internet; (c) prevent other unlawful online activity; (d) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (e) comply with the Children's Internet Protection Act.

B. DEFINITIONS

1. Technology Protection Measure

   The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors.

2. Harmful to Minors

   The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

   a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

   b. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

   c. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

3. Child Pornography

   The term "child pornography" means any visual depiction, including any photograph, film, video picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

   a. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

c. such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

4. Sexual Act; Sexual Contact

The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

5. Minor

For purposes of this policy, the term "minor" means any individual who has not attained the age of 17 years.

C. ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures (or "Internet filters") will be used to block or filter access to inappropriate information on the Internet and World Wide Web. Specifically, blocking will be applied to audio and visual depictions deemed obscene or to be child pornography or harmful to minors. Student access to other materials that are inappropriate to minors will also be restricted. The board has determined that audio or visual materials that depict violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose are inappropriate for minors. The superintendent, in conjunction with a school technology and media advisory committee (see policy 3200, Selection of Instructional Materials), shall make a determination regarding what other matter or materials are inappropriate for minors. School system personnel may not restrict Internet access to ideas, perspectives, or viewpoints if the restriction is motivated solely by disapproval of the viewpoints involved.

A student or employee must immediately notify the appropriate school official if the student or employee believes that a website or web content that is available to students through the school system's Internet access is obscene, constitutes child pornography, is "harmful to minors" as defined by CIPA, or is otherwise inappropriate for students. Students must notify a teacher or the school principal; employees must notify the superintendent or designee.

Due to the dynamic nature of the Internet, sometimes Internet websites and web material that should not be restricted are blocked by the Internet filter. A student or employee who believes that a website or web content has been improperly blocked by the school system's filter should bring the website to the attention of the principal. The principal shall confer with the technology director to determine whether the site or content should be unblocked. The principal shall notify the student or teacher promptly of the decision.

The decision may be appealed through the school system's grievance procedure. (See policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees.)

Subject to staff supervision, technology protection measures may be disabled during use by an adult for bona fide research or other lawful purposes.

D. INAPPROPRIATE NETWORK USAGE

All users of school system technological resources are expected to comply with the requirements established in policy 3225/4312/7320, Technology Responsible Use. In particular, users are prohibited from: (a) attempting to gain unauthorized access, including "hacking" and engaging in other similar unlawful activities; and (b) engaging in the unauthorized disclosure, use, or dissemination of personal identifying information regarding minors.

E. EDUCATION, SUPERVISION, AND MONITORING

To the extent practical, steps will be taken to promote the safety and security of users of the school system's online computer network, especially when they are using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. It is the responsibility of all school personnel to educate, supervise, and monitor usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act and the Protecting Children in the 21st Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures are the responsibility of the technology director or designated representatives.

The technology director or designated representatives shall provide age-appropriate training for students who use the school system's Internet services. The training provided will be designed to promote the school system's commitment to educating students in digital literacy and citizenship, including:

1. the standards and acceptable use of Internet services as set forth in policy 3225/4312/7320, Technology Responsible Use;

2. student safety with regard to safety on the Internet, appropriate behavior while online, including behavior on social networking websites and in chat rooms, and cyberbullying awareness and response; and

3. compliance with the E-rate requirements of the Children's Internet Protection Act.

Following receipt of this training, the student must acknowledge that he or she received the training, understood it, and will follow the provisions of policy 3225/4312/7320, Technology Responsible Use.

The superintendent shall develop any regulations needed to implement this policy and shall submit any certifications necessary to demonstrate compliance with this policy.

Legal References: Children's Internet Protection Act, 47 U.S.C. 254(h); Neighborhood Children's Internet Protection Act, 47 U.S.C. 254(l); Protecting Children in the 21st Century Act, 47, U.S.C. 254(h)

Cross References: Professional and Staff Development (policy 1610/7800), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), School Improvement Plan (policy 3430), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524)

Adopted: February 18, 2013

Revised: May 5, 2014

Reviewed: May 17, 2021

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Consistent with policy 3225/4312/7320, Technology Responsible Use, and in an effort to further the school system's objectives, the board of education encourages the use of the Internet as a means of providing accessible, accurate, and timely information for employees, students, parents, and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information online. The school system has established its system website online at www.Stokes.k12,nc.us. The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

A. SYSTEM-RELATED WEBSITE

A "system-related website" is any Internet website that is established in one of the following ways:

1. by school system employees or students on behalf of the system;

2. by any school within the system;

3. by any school-sponsored club or organization within the system; or

4. by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students, or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

B. STANDARDS FOR WEB PAGE DEVELOPMENT

1. Non-Public or Closed Forums for Expression

All system-related websites are "non-public" or "closed" forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers, or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the system, its schools, and its programs; and to provide the community with each school or department's mission, contact information, activities, organizational format, and instructional program. System-related websites are analogous to

newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing, or approving a system-related website shall act legally, responsibly, and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy, and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor of the system website.

c. Individual School Websites

Each school will be provided with a web address, web design software, and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students' authorized websites, subject to review by the principal, the superintendent, and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create a website within or linked from a school's or teacher's website only for the

following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups, or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see policy 7335, Employee Use of Social Media, and policy 3225/4312/7320, Technology Responsible Use.)

The superintendent may use any means available to request the removal of personal websites or web pages that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

3. Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof, and evaluate all system-related websites.

4. Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. Links

a. Internal Links

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Responsible Use.

b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school's web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

> *The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents, or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links.*

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Responsible Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

7. Accessibility of Website

The web manager/editor, in consultation with the technology director, shall ensure that the school system website meets required standards to ensure accessibility for persons with disabilities.

C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.

2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:

   a. home addresses or telephone numbers will not be listed;

   b. student e-mail addresses will not be listed;

   c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only the student's first name, with no other information about the student.

   The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

3. To protect a student's rights in his or her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating the terms of redistribution or reuse.

4. Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels, and address, the principal's name, and the e-mail addresses of the school administrative team.

5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.

6. Schools must keep information presented on their school's web page current, accurate, and grammatically correct.

7. The principal or designee must approve all revisions and additions to the school website.

8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq*.; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers)

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Personnel Files (policy 7820)

Adopted: June 21, 2010

Revised: February 18, 2013; May 5, 2014; May 17, 2021

USE OF PERSONAL TECHNOLOGY TO CONDUCT SCHOOL BUSINESS

Policy Code: **3228/7323**

The board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees' interests and the school's obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information ("ESI").

School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

A. LIMITATIONS ON USE

Unless otherwise authorized by a BYOT (Bring Your Own Technology) initiative, employees are expected to use school-controlled technology devices and accounts for conducting school business and storing school business-related ESI when such devices and accounts are readily available. Any use of personal technology devices and accounts is subject to this policy and all other relevant board policies, including but not limited to policy 3225/4312/7320, Technology Responsible Use, and policy 7335, Employee Use of Social Media.

1. Personal Technology Devices

   For purposes of this policy, "personal technology device" means a technology device that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, computers, phones, tablets, and other technological devices that are owned or leased by an employee.

   Use of personal technology devices to conduct school business or to store school business-related ESI is authorized only when (1) done in accordance with an official BYOT program; (2) the use is occasional and incidental to the regular use of school-controlled technology devices; or (3) the superintendent or designee has pre-approved in writing the employee's regular use of personal technology for conducting school business and/or storing school business-related ESI.

   For purposes of this policy, "personal external storage device" means a device that has a primary purpose of storing data, is not under the control of the school system, and which the school system does not have the ability to access without

the employee's assistance. Personal external storage devices constitute personal technology devices for purposes of this policy, but are subject to the following additional limitation: employees are prohibited from storing school business-related ESI on personal external storage devices, including, but not limited to, external hard drives, USB flash drives, flash memory cards, DVDs, compact discs, or magnetic tape, unless specifically authorized to do so by the superintendent or designee in writing.

2. Personal Accounts

For purposes of this policy, "personal account" means an account that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, personal email accounts, social media sites, and online file storage services (e.g., file hosting services, cloud storage services, or online file storage providers that host user files via the Internet).

Employees are prohibited from using personal accounts to conduct school business or to store school business-related ESI unless specifically authorized to do so by the superintendent or designee in writing.

B. SCHOOL SYSTEM ACCESS TO SCHOOL BUSINESS-RELATED ESI ON EMPLOYEES' PERSONAL TECHNOLOGY DEVICES AND ACCOUNTS

Any school business-related ESI stored on an employee's personal technology devices or accounts is property of the school system. Employees shall transfer to an appropriate custodian all school business-related ESI upon request of the superintendent or designee and upon leaving employment. Employees shall cooperate with school officials in accessing any school business-related ESI stored on personal technology devices or accounts.

Employees are cautioned that using personal technology devices or accounts to conduct school business or to store school business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. If an employee uses a personal technology device or account to conduct school business or to store school business-related ESI, an inspection of the employee's device or account may be necessary to ensure that all public records and education records are preserved.

By using personal technology devices or accounts to conduct school business or to store school business-related ESI, employees are deemed to consent to the school system accessing and inspecting such devices or accounts to gather school business-related ESI and ensure that all public records and education records are preserved. If school officials have a reasonable basis to conclude that school business-related ESI is stored on an employee's personal technology device or account, a reasonable inspection of the employee's device or account may be performed in order to retain any public records or education records required to be retained by law and/or board policy. Such an inspection

shall be made only after consultation with the board attorney.

C. REQUIRED NOTICES AND CONSENT

All employees must be informed annually of the terms of this policy and the methods by which they may obtain a copy of this policy. Employees must sign a statement indicating that they understand and will comply with the requirements of this policy.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*; Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351), Employee Use of Social Media (policy 7335)

Adopted: May 17, 2021

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students, and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses, or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

A. FAIR USE

1. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:

    a. the purpose and character of the use;

    b. the nature of the copyrighted work;

    c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and

    d. the effect of the use upon the potential market for, or value of, the copyrighted work.

2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:

    a. single and multiple copying for instructional purposes;

    b. copying for performances and displays;

    c. off-air recording of copyrighted programs;

    d. use of "for home use only" videotapes or DVDs;

    e. computer software;

    f. copyrighted materials on the Internet and online databases;

    g. reproduction and loan of copyrighted materials by school media centers;

and

h. preparation of educational multimedia projects using portions of copyrighted works.

B. BUDGET

The budget recommended by the superintendent to the board must include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal References: 17 U.S.C. 101, 102, 106, 108, 110, 117

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

Adopted: August 3, 1998

Revised: July 12, 1999; October 24, 2005; June 21, 2010; November 20, 2017

Reviewed: May 17, 2021

The board believes that time is a variable in the educational process and that children may need different amounts of instructional time in order to fulfill the educational goals and objectives of the board. The board also recognizes that the school day and school year should be planned in such a manner as to facilitate student learning and to permit an accurate assessment of student achievement in scheduled testing periods.

Opening and Closing Dates and School Calendar for 2020-2021 School Year

For the 2020-2021 school year, the school system will follow the school calendar requirements set forth in section 2.11.(b) of Session Law 2020-3, as amended by section 3.(b) of Session Law 2020-49.

A. INSTRUCTIONAL TIME

Interruptions of instructional time and time off task must be kept to a minimum. The principal is responsible for ensuring that instructional time is maintained and protected in the school schedule. Each teacher is responsible for ensuring optimal use of instructional time in his or her classes. School personnel are encouraged to seek creative means of reducing transitional time and scheduling non-instructional activities. A proposal for alternative scheduling of classes or other such strategies may be a part of a school improvement plan.

B. SCHOOL DAY

The length of the school day may vary from school to school if approved by the board of education. The "instructional" day includes only those hours a student is assigned to a teacher for the primary purpose of instruction. Breaks in the instructional day for changing classes, homeroom, lunch, pep rallies, and similar non-instructional activities are not part of the instructional day and may not be counted towards the minimum instructional hours requirement established in Section D, below.

C. OPENING AND CLOSING DATES

Except for year-round schools or schools operating under a modified calendar, the opening date for students will be no earlier than the Monday closest to August 26, and the closing date for students will be no later than the Friday closest to June 11.

The school board may offer supplemental or additional educational programs or activities outside the adopted school calendar.

Upon a showing of good cause, as defined by G.S. 115C-84.2(d), the board will seek a waiver of the opening date from the State Board of Education.

The board will revise the closing date only if necessary to comply with the minimum requirements for instructional days or instructional time.

D. SCHOOL CALENDAR

The school calendar in all schools will be for 215 days and will provide for a minimum of 185 days or 1025 hours of instruction covering at least nine months. A school "month" is defined as 20 days of instruction. If school is closed early due to inclement weather, the day and the number of instructional hours originally scheduled may count towards the required minimum number of instructional days or hours. As funding permits, the board may pursue increasing the number of instructional hours or days, at least for those students who need more time to learn the curriculum.

The board may initiate or review recommendations from the superintendent or a school improvement team for modifying the traditional school calendar to a year-round calendar. The superintendent and individual schools are encouraged to obtain input from teachers and other personnel as well as from the community in developing proposals for modifying the school calendar. A year-round school may be included as a part of a school improvement plan.

Any calendar adopted by the board will be consistent with the following requirements.

1. The calendar will consist of 215 days and shall meet state requirements for the minimum instructional days and/or the minimum instructional hours.

2. At least 10 of the days on the calendar will be designated as annual vacation leave days.

3. The calendar will include the same or an equivalent number of legal holidays as those designated by the State Human Resources Commission for State employees, including Veteran's Day if it falls on a weekday.

4. School will not be scheduled on Sundays.

5. The total number of workdays for teachers employed for a 10-month term will not exceed 195 days.

6. The calendar will designate "instructional" days, when students must be present.

7. The remaining days will be scheduled by the board, in consultation with school principals, as "flexible" days, for use as teacher workdays, additional instructional days or other lawful purposes. Before scheduling these "flexible" days, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled.

8. Of the "flexible" days described in subsection D.7, the board will designate at

least two days as protected days on which teachers may take accumulated vacation leave. All other "flexible" days may be designated as days on which teachers may take accumulated leave, but the board will give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

9. The board may, due to school closings because of inclement weather or other reasons, use any of the "flexible" days designated in subsection D.7 above as make-up days for those instructional days that were missed. If necessary, these make-up days may be scheduled after the last day of student attendance. If either of the two protected days described in subsection D.8 above are scheduled as a make-up day, teachers may take accumulated vacation leave on the make-up day and will not be required to work.

10. If the school calendar requires students to attend on Memorial Day, each principal shall ensure that students are instructed on the significance of Memorial Day on that day. If students are not scheduled to attend school on Memorial Day, instruction on the significance of Memorial Day will be provided at another time.

11. If the school calendar requires students to attend school on September 17, which is Constitution Day and Citizenship Day, each principal shall ensure that an educational program about the United States Constitution is held in the school on that day. If students are not required to attend school on September 17, the principal shall ensure that such a program is held during the week preceding or following Constitution Day and Citizenship Day.

12. The month of November shall be designated "Veterans' History Awareness Month."

Legal References: P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d)); G.S. 115C-12(33), -36, -47, -84.2, -105.21(b)(2), -238.31, -288; State Board of Education Policy BEPL-001; *North Carolina Public Schools Benefits and Employment Policy Manual* (most current version), North Carolina Department of Public Instruction, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430), Citizenship and Character Education (policy 3530)

Adopted: December 15, 1977

Revised: May 15, 1989; October 18, 1999; June 21, 2010; November 11, 2011; October 15, 2012; February 18, 2013; May 18, 2015; November 20, 2017; May 17, 2021

School trips designed to stimulate student interest and inquiry may be appropriate classroom extensions and may enhance learning in the classroom. School trips may help meet educational goals and objectives by connecting learning with experiences outside of the classroom environment.

All eligible students will be given an opportunity to participate in school trips. No student will be denied participation because of economic hardship or because the student has a disability.

A. AUTHORIZATION OF SCHOOL TRIPS

A school trip occurs when a student or group of students leaves a school campus under the sponsorship of the school and under the supervision of school employees to extend the educational experiences of that student or group. This includes such trips taken by extracurricular groups but does not include trips by athletic teams to participate in athletic events or competitions that are part of the team's regular season or playoffs. The principal must approve all school trips in advance. School trips that involve travel out of state and/or an overnight stay must also receive prior approval from the superintendent or designee. School trips that require travel outside of the continental United States are prohibited. The superintendent shall develop procedures for the request and approval of school trips.

B. PARENTAL NOTICE AND CONSENT

All students who participate in a school trip must provide signed parental consent forms to participate, unless a student is officially emancipated, in which case the student can consent on his or her own behalf. A student who fails to provide a signed consent form may be denied participation in the trip. No student's grade may be lowered or raised based on parental consent to participate in the school trip. The superintendent shall develop procedures to ensure parents are given proper notice of trip details and that parents provide signed authorization and consent regarding their child's participation and care during the trip.

C. COSTS

Students must not be charged a fee for any trip that is an extension of the curriculum. The board may impose fees for other school trips. Pursuant to policy 4600, Student Fees, and any corresponding fee waiver or reduction procedures, any fees imposed for school trips will be waived or reduced for students who demonstrate real economic hardship.

D. STUDENT SAFETY AND DISCIPLINE

Policy 1510/4200/7270, School Safety, applies to all students, school employees, and volunteers while they are taking part in school trips. Students are also subject to the

student behavior policies in the 4300 series, the Code of Student Conduct, and all school rules while participating in a school trip. The superintendent shall develop any additional regulations necessary to ensure student safety, provide adequate supervision, and clarify student behavior standards.

E. TRANSPORTATION AND OTHER ACCOMMODATIONS

Policy 6320, Use of Student Transportation Services, applies to the use of vehicles for all school trips. Policy 6315, Drivers, applies to all drivers of school buses and activity buses but does not apply to drivers of charter buses who are not subject to school board authority, aside from any agreed upon provisions in the contract with the charter company.

Any contracts with outside companies to provide transportation, lodging, or other accommodations related to a school trip must be approved in accordance with policy 6340, Transportation Service/Vehicle Contracts, and policy 6420, Contracts with the Board.

The superintendent shall develop any necessary additional regulations governing transportation on school trips.

F. CHAPERONES AND VOLUNTEERS

All chaperones and volunteers accompanying students on school trips must meet the standards established by policy 5015, School Volunteers. The superintendent shall develop any necessary additional regulations governing chaperones and volunteers on school trips.

G. NON-SCHOOL SPONSORED TRIPS

A non-school sponsored trip is a trip or tour organized and sponsored by (1) an individual teacher or group of teachers acting as private citizens and not as school employees, (2) a travel agency, or (3) any other individual or association not employed by, sponsored by, or under contract with the board. The board and the school system assume no responsibility or liability for non-school sponsored trips.

Non-school sponsored trips may be promoted or advertised in the schools only in accordance with policy 5240, Advertising in the Schools. Promotional materials may be displayed or distributed in the schools only in accordance with policy 5210, Distribution and Display of Non-School Material. All promotional materials for non-school sponsored trips must prominently state that the trip is not sponsored or endorsed by the school or school system. Moreover, any employee who sponsors or recruits students for a non-school sponsored trip shall notify the students and their parents or guardians that the trip is not sponsored or endorsed by the school or school system and shall obtain a signed acknowledgement from each parent that the trip is not school-sponsored.

School employees shall not engage in any planning or administrative tasks associated with a non-school sponsored trip during the employee workday. School employees who want to use school facilities to hold a meeting concerning a non-school sponsored trip must follow the process set forth in policy 5030, Community Use of Facilities, and any corresponding regulations. School employees must use eligible leave for any time missed from work during a non-school sponsored trip.

School employees are prohibited from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments.

Students will not be required to participate in any non-school sponsored trip. Students are discouraged from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments. Absences for non-school sponsored trips will be designated as excused or unexcused in accordance with policy 4400, Attendance.

Legal References: G.S. 115C-47, -288, -307, State Board of Education Policy TCS-H-009

Cross References: School Safety (policy 1510/4200/7270), Goals and Objectives of the Educational Program (policy 3000), Student Behavior Policies (4300 series), Attendance (policy 4400), Student Fees (policy 4600), School Volunteers (policy 5015), Community Use of Facilities (policy 5030), Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240), Drivers (policy 6315), Use of Student Transportation Services (policy 6320), Transportation Service/Vehicle Contracts (policy 6340), Contracts with the Board (policy 6420)

Adopted: November 20, 2017

Reviewed: May 17, 2021

An evaluation system of students' academic performance is necessary to help ensure that all students are succeeding within the framework of the educational goals and objectives of the board. The board believes that the formal issuance of student evaluations on a regular basis promotes continuous assessment of a student's performance; informs the student, his or her parents or guardians, and the school counselor about the student's performance and progress; and provides a system of notice that allows intervention strategies to be implemented if necessary to improve the student's performance. The board encourages teachers and principals to pursue innovative methods of evaluating progress.

The superintendent or designee shall establish an evaluation system for assessing an individual student's academic achievement and progress relative to benchmarks set for students at that instructional level. The evaluation system should provide for regular communication with parents so that they may be informed and involved in their child's education.

Teachers shall evaluate student performance and keep accurate records in order to substantiate a grade or assessment given in a course.

All high schools, middle schools, and elementary schools (grades 3-5) will use the following grading scale.

A	90-100
B	80-89
C	70-79
D	60-69
F	< 59

Students in grades K-2 will be assessed using the following grading scale.

3	Meets Grade Level Expectations
2	Inconsistent Performance
1	Below Grade Level Expectation

The following letter grades also may be used as applicable.

FF	FF may be used for a student who does not have a passing grade based on content and also has been absent for at least 10% of the classes for the course.
INC	If a student has extenuating circumstances, such as a medical condition, the superintendent, principal, or other designee may approve the temporary use of incomplete (INC).
P	Pass (P) may be used for elective courses but may not be awarded for non-elective graduation requirements.
WP	Withdraw (WP) may be used for courses from which a student withdraws during the

	current semester and receives no course credit.
CDM	Credit by demonstrated mastery (CDM) will be used to reflect earning credit for a course through the CDM process.

Legal References: G.S. 115C-47; State Board of Education Policy GRAD-009

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000)

Adopted: July 19, 2010

Revised: May 17, 2021; July 24, 2025

It is the goal of the board that all students will make adequate academic progress each year and thereby acquire the skills necessary for secondary education and career success. To realize this goal, students who are at risk of academic failure and who are not successfully progressing toward grade promotion and graduation must be identified and provided additional assistance. The principal or designee is responsible for ensuring that students at risk are identified and that the school improvement team develops a plan to include successful transition between grade spans for such students in compliance with G.S. 115C-105.41.

A. IDENTIFICATION OF AND ASSISTANCE TO STUDENTS AT RISK

The superintendent shall organize available resources to implement a multi-tiered system of support (MTSS) that uses data-driven problem-solving and research-based instructional practices for all students. The superintendent shall establish processes and standards for addressing concerns about student performance and for documenting student responses to research-based instruction and interventions within the MTSS. Using information about the student's response to instruction and/or interventions and other student performance data, school personnel must identify students at risk of academic failure as early as reasonably may be done, beginning in kindergarten. School administrators and teachers shall address the needs of students identified as at risk of academic failure through the supports available in the MTSS and/or other processes established by the superintendent. The parents or guardians of such students should be included, through oral or written communication or other means, in the implementation and review of academic and/or behavioral interventions for their children.

B. TRANSITION PLANS

Transitions in the school environment can be stressful experiences that pose academic, social, and emotional challenges for students. Addressing students' academic, social, and emotional needs to create successful transitions provides students with a better chance of academic success. A comprehensive and coordinated transition plan will be implemented for students who are at risk of academic failure in order to facilitate their educational transitions between elementary school and middle school and between middle school and high school.

The superintendent shall appoint a transition team to design, implement, and evaluate a school system transition plan. This team will be comprised of stakeholders who can identify the needs of students at the different developmental levels and implement plans that produce positive results for students at risk of academic failure. Such stakeholders may include principals, teachers, support staff and other school system employees, parents of students in the school system, and local business and community leaders such as civic group leaders, health department personnel, preschool and Head Start program personnel, faith community leaders, and personnel from local colleges, universities, and community colleges. At each school, the school improvement team shall use the school

system transition plan to design a school-based transition plan tailored to meet the specific needs of that school's population. The transition plan may be included in the school improvement plan. See policy 3430, School Improvement Plan.

The transition plans should be designed to encourage successful transitions that foster respect for individual differences, encourage understanding of the whole child, create a sense of trust and belonging, and reduce child and family anxiety about school. The plans must include an on-going evaluation process to verify that the outcomes established for the different transition levels are being accomplished and that these goals are updated as student data and environmental changes occur.

Legal References: G.S. 115C-105.41; State Board of Education Policy DROP-001

Cross References: School Improvement Plan (policy 3430)

Other Resources: NC DPI Multi-Tiered System of Support resource page, available at http://www.ncpublicschools.org/integratedsystems/mtss/; *Transition Planning for 21st Century Schools*, N.C. State Board of Education/Department of Public Instruction, archived version available at http://digital.ncdcr.gov/cdm/ref/collection/p249901coll22/id/158097

Adopted: November 20, 2017

Revised: May 17, 2021

The board believes that an effective testing and assessment program evaluates the progress of individual students and helps ensure that educational goals and objectives are being met for every child. A testing program also assists in the continued refinement of the instructional program. In addition, data from tests and assessments provide measures of student learning that are useful for evaluating educator effectiveness.

Every effort will be made to ensure that the testing program contributes to the learning process rather than detracts from it. Efforts also will be made to use only culture-free or culture-fair tests in order to ensure that measurements are reasonably accurate.

A. ADMINISTRATION OF TESTS, SCREENINGS, AND OTHER ASSESSMENTS

The superintendent shall provide for the proper administration of all state-required tests, screenings, and other assessments and any state-required remedial instruction and/or retesting in accordance with all requirements established by law or the State Board of Education. The superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described in Section B, below, and any other applicable state requirements are met.

The superintendent shall provide for the online administration of state-required tests to the extent required by the State Board of Education or the Department of Public Instruction, and otherwise as feasible within available resources. The superintendent shall keep the board informed of any resources or other measures needed to support online test administration.

Students may participate in field testing and other sample testing as designated by the State Board or the Department of Public Instruction.

The superintendent shall develop security and administration procedures for the state testing program and other assessments that are consistent with State Board of Education requirements and relevant law. The superintendent shall ensure that all relevant personnel are instructed in such procedures. All testing personnel, teachers, and school administrators are required to be familiar with and adhere to all applicable testing manuals, handbooks, and guides, including the Testing Code of Ethics, for state and locally-required tests. Failure to follow procedures may result in disciplinary sanctions, including termination or revocation of administrative and/or teaching licenses.

B. HIGH SCHOOL END-OF-COURSE TESTING

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education. For all students, including English Learner students in their first year in a U.S. school and

students following the Occupational Course of Study Pathway, the results of EOC tests and CTE State Assessments will count as 20 percent of a student's final grade in each high school course for which there is an EOC test or CTE State Assessment. However, the results of such assessments will not factor into a student's final grade in a course during the initial implementation year of a new assessment for that course where scores are not immediately available due to standard setting.

C. MINIMIZING TIME SPENT TESTING

The superintendent or designee shall ensure that the time students spend taking standardized state and local tests and the frequency of field testing at a particular school are minimized. Specifically, the superintendent shall ensure the following.

1. Schools will devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning.

2. Students will not be subject to field tests or national tests during the two-week period preceding their school's administration of end-of-grade tests, end-of-course tests, or regularly scheduled final exams.

3. No school will participate in more than two field tests at any one grade level during a school year.

4. All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) or other applicable law and all final exams for courses will be administered within the final ten instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. Exceptions will be permitted on an individual basis to accommodate a student's individualized education program or Section 504 plan; for the administration of final exams for courses with national or international curricula required to be held at designated times; for make-up testing; and as otherwise permitted by the Department of Public Instruction.

5. A report of local standardized testing is provided to the board for review in even-numbered years and, if required, a plan for reducing the time spent on such testing is subsequently prepared and submitted to the State Board of Education in compliance with state law.

Legal References: The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, -h; 34 C.F.R. pt. 99; G.S. 115C, art. 10A; 115C-47, -83.5, -83.6, -174.11, -174.12, -174.13, -174.15, -174.22, -174.25, -276, -288, -307, -402.5; S.L. 2019-212, Sec. 1; State Board of Education Policy series TEST and GRAD; EVAL-006, EVAL-025 through -031

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability

(policy 3420), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other Resources: *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations

Adopted: June 14, 2016

Revised: November 20, 2017; December 14, 2018; May 17, 2021

A. PURPOSE

The board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

B. STUDENT PROMOTION STANDARDS

The superintendent shall develop (1) proposed promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6 *et seq.* and State Board of Education Policies KNEC-002 and -003.

The promotion standards also will require that students not be promoted from eighth grade until a career development plan is completed in accordance with the requirements of G.S. 115C-158.10 and State Board of Education rules and not be promoted from tenth grade until the career development plan is revised. Any high school student who does not already have a career development plan must complete the plan within 90 days of enrollment in school. Career development plans must be easily accessible to students and parents.

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to address the needs of students who are not making adequate academic progress as required by policy 3405, Students at Risk of Academic Failure.

C. DIPLOMA STANDARDS

To receive a North Carolina high school diploma, a student must complete the

requirements set forth in policy 3460, Graduation Requirements.

D. APPEALS OF PROMOTION DECISIONS

1. Appeal to the Superintendent

Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

The superintendent must render a decision within 10 workdays of receiving the appeal. The superintendent may support the principal's decision, remand it back to the principal for consideration of additional issues, or reverse the decision.

The superintendent's findings must be in writing and must be provided to the parents.

2. Appeal to the Board of Education

The superintendent's decision to promote or retain a student may be appealed to the board in accordance with the procedures set forth in subsection E.5 of policy 1740/4010, Student and Parent Grievance Procedure.

E. LITERACY INTERVENTIONS

1. Reading Camps

The board will provide reading camp opportunities as required by law at no fee for students who are entitled to this intervention under state law. The superintendent or designee shall encourage parents of eligible students to enroll their students in a reading camp. To the extent resources permit, the board will offer fee-based reading camp opportunities for students in eligible grades who are not entitled to attend at no cost. Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent or designee shall notify interested parents of the application procedure for the fee-based reading camps.

2. Individual Reading Plans

An Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2) the first diagnostic or formative

assessment of the second semester of the school year. The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with reading development and that an IRP has been developed for the student. The notice provided must include all other information required under G.S. 115C-83.6B(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

3. Digital Children's Reading Initiative

   The school system will provide access through the school system website to available resources from the Department of Public Instruction's Digital Children's Reading Initiative as required by law. Printable activities from those resources will be provided in hard copy to students who do not have digital access at home.

4. Approval of Literacy Intervention Plan

   By the established deadline each year, the superintendent or designee shall submit to the Department of Public Instruction for approval a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A.

F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or end-of-course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

All intervention strategies and other opportunities, benefits, and resources that are made available to students without disabilities must be made available to those students with disabilities who are subject to the student promotion standards. Such opportunities must be in addition to the special education services provided to the student.

G. CREDIT BY DEMONSTRATED MASTERY

The superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

H. CREDIT RECOVERY

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered and the credit recovery will be tailored to meet the needs of the individual student. The length of credit recovery is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

If the credit recovery course has an associated EOC exam and the student is going to retake it, the exam will be administered no later than 30 days upon completion of the credit recovery course. Beginning with the 2025-26 school year, students shall earn a numeric grade for credit recovery, which will be factored into the pre-existing incomplete or fail course grade on the student's transcript to a degree proportional to the percentage of the course completed through credit recovery, resulting in a new passing numeric grade for the course.

The superintendent shall develop procedures addressing the implementation of credit recovery opportunities across the school system.

I. REPEATING A COURSE FOR CREDIT

1. Repeating a Previously Failed Course

   As provided in State Board of Education Policy CCRE-001, high school students who fail a course for credit may repeat that course. To take advantage of this option, the student must repeat the entire course. Beginning with the 2015-16 school year, when a student initially fails a high school course and successfully repeats the course for credit, the new course grade will replace the original failing grade for the course on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility. The superintendent may develop procedures for students to indicate their intent to repeat a course for credit under this paragraph and may establish any other rules as necessary and consistent with State Board policy.

2. Repeating a Course for which Credit was Earned (Grade Replacement)

   The board recognizes that high school students may need to repeat a course for which they have earned credit in order to increase their understanding of the course content, to improve skill mastery, or to meet postsecondary goals. Students may repeat a course for which they have previously earned credit, subject to the following preconditions and any other reasonable rules established by the superintendent:

   a. the student must have earned a letter grade of C or lower in the course on the first attempt;

b. the student must make a written request to repeat the course;

c. the principal or designee must approve the request;

d. there must be space available after seats have been assigned to students who are taking the course for the first time or repeating a previously failed course;

e. the course to be repeated must be a duplicate of the original class and must be taken during the regular school day at a high school in this school system or through the North Carolina Virtual Public School;

f. upon completion of the repeated course, the new course grade will replace the student's original grade on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility, regardless of whether the later grade is higher or lower than the student's original mark;

g. credit towards graduation for the same course will be given only once;

h. a course may be repeated only one time; and

i. students may repeat a maximum of four previously passed courses during their high school careers.

The superintendent shall require notice to students and parents of these preconditions and of any other relevant information deemed advisable by the superintendent.

J. CREDIT FROM STUDYING ABROAD

The board encourages students to participate in foreign exchange student programs to enhance their high school academic experience and heighten their awareness and knowledge of global cultures. With careful planning, students may receive credit for courses taken abroad that have substantial equivalency to school system high school courses in content and in hours.

Students who wish to receive high school credit for courses taken during the school year in a foreign country should file a request for study abroad credit with the principal or designee by July 1 of the year preceding the proposed study. To receive credit, the student must submit a copy of the syllabus of the course with the hours of study and grading system described. The student should promptly notify the principal or designee of any course changes.

K. ACCELERATION

Some students may need less time to learn the curriculum. Teachers are encouraged to

challenge these students by expanding the curriculum, providing opportunities to explore subjects in greater detail, or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify concurrent enrollment or other curriculum expansion options (see policy 3101, Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate.

Students also have the option of using an accelerated pathway to complete high school in three years rather than four (see policy 3460, Graduation Requirements).

L. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

   At least on an annual basis, the superintendent shall provide the board with the following information for each school:

   a. aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;

   b. the number and percentage of students retained and/or not meeting the standards for their grade level;

   c. the number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in state law; and

   d. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Report to the North Carolina State Board of Education and Department of Public Instruction

   Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

3. Publication on the School System Website

   Information about the reading performance of first, second, and third grade students will be posted on the school system website in accordance with state law.

M. RESOURCES

Consistent with the objective of improving student performance, the board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The board will consider requests to transfer funds from other funding allotment categories to intervention strategies as part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with policy 8300, Fiscal Management Standards.

N. NOTIFICATION TO PARENTS

The superintendent or designee shall provide information regarding promotion standards to all students and parents. In addition, if a kindergarten, first grade, second grade, or third grade student (1) is demonstrating difficulty with reading development or (2) is not reading at grade level, the student's teacher shall provide the student's parents timely written notice advising that if the student is not demonstrating reading proficiency by the end of third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers and the principal. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review, and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed literacy interventions that will be provided to the student to remediate areas where the student has not demonstrated reading proficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

O. CHILDREN OF MILITARY FAMILIES

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, and policy 4155, Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or program prerequisites or other preconditions for the placement of children of military families, as defined in policy 4050, Children of Military Families, in courses or programs offered by the school system.

Legal References: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.6A, -83.6B, -83.7, -83.7A, -83.8, -83.9, -83.10, -83.11, -83.31, -105.21, -158.10, -174.11, -288(a), -407.5, -407.12; S.L. 2021-8; 16 N.C.A.C. 6D .0508, .0510; State Board of Education Policies CCRE-001, GRAD-001, GRAD-006, KNEC-002, KNEC-003

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Students at Risk of Academic Failure (policy 3405), School Improvement Plan (policy 3430), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Children of Military Families (policy 4050), Assignment to Classes (policy 4155), Fiscal Management Standards (policy 8300)

Other Resources: *Guidelines for Testing Students Identified as English Learners* (N.C. Department of Public Instruction), available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-students-identified-english-learners; Comprehensive Reading Plan for Achievement, available at https://www.dpi.nc.gov/districts-schools/classroom-resources/early-learning-read-achieve/k-3-literacy

Adopted: August 1, 2016

Revised: November 20, 2017; December 14, 2018; May 17, 2021; March 20, 2023; August 4, 2025

A. PRINCIPLES

Principals, assistant principals, teachers, and other instructional staff at each school are responsible for designing and implementing strategies to reach the educational goals of the board. Input from the school community, including parents, students, and representatives from businesses and other agencies, is critical in developing an educational program that will meet the needs of the students and the community.

The board affirms the General Assembly's belief that all children can learn and that the mission of public schools is to challenge, with high expectations, each child to learn, achieve, and fulfill his or her potential.

Accordingly, the board has established in its policies its vision, standards, and means of accountability for the educational program. The superintendent shall provide guidance and establish any other standards necessary for effective implementation of the board's policies. Principals shall lead each school in implementing the policies. The school improvement plan is one tool that school administrators should use to draw upon the creativity and innovation of the staff and the community. This plan should identify the school's efforts to improve student performance and reach the educational goals of the board.

B. DEVELOPMENT OF THE SCHOOL IMPROVEMENT PLAN

Each school must develop a school improvement plan that considers the goals set out in the mission statement for the public schools adopted by the State Board of Education ("State Board") and the annual performance goals for that school as established by the State Board under G.S. § 115C-105.35. In developing their school improvement plans, all schools should ensure, to the extent possible, that sufficient resources and curricula are directed toward meeting the goal of having all students performing at grade level or higher in the basic subject and skill areas identified by the State Board.

The board also expects schools to be guided by the educational goals of the board. The board encourages schools to consider innovative means of educating students to meet educational goals. Many board policies provide an opportunity for a school to incorporate innovative ideas into its school improvement plan; however, if a school would like to try an innovative method that requires deviation from board policy, the school may submit a request to the board for a waiver of the board policy. (See also policy 2400, Board Policies.) Any waiver request must identify the particular board policy that inhibits the school's ability to improve student performance, set out with specificity the circumstances under which the waiver may be used, and explain how the requested waiver will permit the school to improve student performance. The board will consider such requests to the extent the waiver is permissible by law and likely to result in improved student performance at the school.

1. School Improvement Team

   Each school must have a school improvement team that develops the school improvement plan. The school improvement team must follow all legal requirements for developing and obtaining school approval of the school improvement plan. School improvement teams also must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.

   The school improvement team will consist of the principal, representatives of the assistant principals, instructional personnel, instructional support personnel and teacher assistants assigned to the school building, and parents of students attending the school. Each group of school personnel shall elect representatives from their respective group by secret ballot. Parents are to be elected in accordance with G.S. 115C-105.27(a). The school improvement team is encouraged to involve and seek assistance from central office personnel. The school improvement team, especially at the middle and high schools, also is encouraged to seek input from students. The superintendent shall provide guidance to principals to ensure that the principals establish and work together with school improvement teams to develop, review, and amend school improvement plans.

   School improvement team meetings will be held at a convenient time to facilitate substantial parent participation. The principal shall ensure that the school improvement team, as a public body, complies with the Open Meetings Law in regard to its meetings. Deliberations on the school safety components of the plan must be in closed session in accordance with G.S. 143-318.11(a)(8).

2. Mandatory Components of the Plan

   A school improvement plan must include the following components.

   a. The plan must specify the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.

   b. The plan must take into consideration the minimum annual performance goal established by the State Board and the goals set out in the mission statement for public schools adopted by the State Board.

   c. The plan must be, to the greatest extent possible, data driven. The team shall use the Education Value Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board to analyze student data to identify root causes for problems and determine

actions to address them and to appropriately place students in courses such as Math I. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards.

d. The plan must identify how staff development funds allocated to the school will be used.

e. The plan must provide a duty-free lunch period for every teacher on a daily basis or as otherwise approved by the school improvement team.

f. The plan must provide duty-free instructional planning time for every full-time assigned classroom teacher, with the goal of providing an average of at least five hours of planning time per week.

g. The plan must attempt to identify and eliminate unnecessary and redundant reporting requirements for teachers and, to the extent practicable, streamline the school's reporting system and procedures, including requiring forms and reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System.

h. As part of the school system's efforts to maintain safe and orderly schools, the plan must address safety and discipline concerns. These concerns include any special conditions at the school. The plan should include the components of any positive behavior management or positive behavior support programs that have been adopted at the school and should comply with the requirements of policy 1510/4200/7270, School Safety, and all protocols established by the superintendent or designee under that policy.

i. In accordance with policy 1310/4002, Parental Involvement, the plan must identify the goals and strategies for parents to be involved in their child's education and in the educational program of the school.

j. The plan must include a process by which the school improvement team will review the school improvement plan at least once a year. The annual review process must include (1) a review of student scores on all state- and board-mandated tests and (2) a means for the school improvement team to modify the plan, if necessary, when the school has not met the expected growth score established by the state.

k. The plan must require the principal to notify the superintendent if the school improvement team modifies a board-accepted school improvement plan.

l. The plan must include strategies for meeting the educational objectives of

the board (policy 3000, Goals and Objectives of the Educational Program).

m. The plan must include intervention strategies for students who are not at grade-level proficiency or who are not likely to meet standards of promotion measured by other means (policy 3420, Student Promotion and Accountability).

3. Optional Components of the Plan

The school improvement plan may include any or all of the following components.

a. The plan may include a request to transfer state funds from one allotment category to another, as permitted by state law. The request must identify the funding allotment categories involved in the transfer and identify how the transfer will facilitate improving student performance.

b. The plan may include a comprehensive conflict resolution plan, as provided in G.S. 115C-81.15, in order to help create a safe school.

c. The plan may provide for the use of textbooks that have not been adopted by the State Board (see policy 3200, Selection of Instructional Materials).

d. The plan may include innovative efforts to meet local educational goals. The following are examples of innovative efforts identified in board policies that the plan may address:

i. modifying the school calendar (see policy 3300, School Calendar and Time for Learning);

ii. implementing alternative scheduling of classes or other strategies intended to reduce transitional time and limit interference from non-instructional activities (policy 3300);

iii. adding hours of instructional time (policy 3300);

iv. providing additional means for evaluating instructional programs (policy 3140, Evaluation of Instructional Programs);

v. developing and implementing pilot programs (policy 3110, Innovation in Curriculum and Instruction);

vi. expanding the subject areas or objectives of the curriculum (policy 3100, Curriculum Development);

vii. eliminating curricula on subject areas or objectives that are not

state-required (policy 3100); and

viii. modifying the system-wide instructional and curriculum guides (see policy 3115, Curriculum and Instructional Guides).

4. Development and Review of the Plan

School improvement teams should review student performance data from the preceding school year in developing the school improvement plan. Based on the availability of data and when specific school standards are established by the State Board, the superintendent shall establish the date by which school improvement plans must be submitted.

The principal first shall present the proposed school improvement plan to all of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote by secret ballot. The principal then shall submit the school improvement plan to the superintendent only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

The superintendent or designee shall review the plans and seek legal review as necessary prior to presenting the plans with written recommendations to the board. If the superintendent intends to recommend that a plan be rejected, the superintendent shall notify the principal of the school and explain the reasons for the decision. The school improvement team may then submit a modified plan, approved by staff vote, to the superintendent. The superintendent should submit all school improvement plans to the board at the earliest possible date.

The board will review the school improvement plans. The review of the school safety components of the plans must be in closed session. The board shall make findings on the safety components of the plan. Neither the safety components of the plans nor the board's findings on the safety components of the plans may be set out in the minutes of the board.

After review of the school improvement plans, the board will accept or reject each school improvement plan. If a plan is rejected, the board will explain the specific reason(s) for the rejection.

Any plan modified by the school improvement team after being rejected by the board must be resubmitted to the school personnel for vote and, upon majority approval, resubmitted to the superintendent for review. The superintendent shall resubmit the modified plan to the board with his or her recommendations as soon as is practical. The board will review the modifications along with any recommendations from the superintendent and accept or reject the plan.

If the board and the school improvement team cannot reach agreement on the plan

within 60 days after its initial submission, the board or school may request to use the dispute resolution process developed by the State Board under G.S. 115C-105.20(b)(5). Alternatively, if use of the dispute resolution process is not requested, the board may develop a school improvement plan for the school.

A school improvement plan may be in effect for no more than two years. The plan must be reviewed at least annually by the school improvement team in accordance with the review process established in the school's plan. If a school does not earn an overall performance grade of at least a C or does not meet its expected growth standard as established by the State Board, the principal must submit to the superintendent and the board a report of the school improvement team. The report must explain the reasons for the standard(s) not being met and describe any modifications that will be made in the school improvement plan. After considering any recommendations of the superintendent, if the board is not satisfied with the response of the school improvement team, the board may suggest modifications to the plan or may vacate those portions of the plan that impede student performance and require the school improvement team to revise the plan.

5. Elimination of Redundant or Unnecessary Reporting Requirements

If, at any time before or after the board approves the school improvement plan, the school improvement team identifies a more expeditious manner of providing information to the board that will eliminate a redundant or unnecessary reporting requirement for teachers at its school, the team may make a written request to the superintendent to eliminate the redundant or unnecessary report. The superintendent shall recommend to the board whether the reporting requirement should be eliminated for that school. If the superintendent does not recommend elimination of the reporting requirement, the school improvement team may request a hearing by the board as provided in policy 2500, Hearings Before the Board.

6. Compliance with Requirements

Any employee, parent, or other interested party is encouraged to notify the principal of any concerns regarding compliance with this policy or G.S. 115C-105.27. In addition, any employee, parent, or other interested party may submit in writing to the superintendent concerns regarding compliance with this policy or G.S. 115C-105.27. The superintendent shall make a good faith effort to investigate the concern and shall provide a written response upon request.

C. POSTING THE SCHOOL IMPROVEMENT PLAN ONLINE

The school improvement plan, except for its school safety components which are not public record, must be posted on the school's website. The names and positions of the members of the school improvement team, along with the date of each member's election to the team, must also be posted on the website.

D. STAFF DEVELOPMENT

The superintendent shall develop a process by which schools can learn from other schools' improvement plans. The superintendent and the schools are encouraged to use staff development resources to provide training to staff on the development, implementation, and evaluation of school improvement plans.

School administrators must be evaluated by their supervisors on the school-based management process and on the effectiveness of the school improvement plan.

Legal References: G.S. 115C-47(38), -81.15, -83.15, -84.2, -98, -105.20, -105.21, -105.25, -105.26, -105.27, -105.32, -105.35, -105.37, -105.41(b), -301.1, -307(g); 143 art. 33C; 16 N.C.A.C. 6G .0304

Cross References: Parental Involvement (policy 1310/4002), School Safety (policy 1510/4200/7270), Compliance with the Open Meetings Law (policy 2320), Board Policies (policy 2400), Hearings Before the Board (policy 2500), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Innovation in Curriculum and Instruction (policy 3110), Curriculum and Instructional Guides (policy 3115), Lesson Planning (policy 3120), Evaluation of Instructional Programs (policy 3140), Selection of Instructional Materials (policy 3200), School Calendar and Time for Learning (policy 3300), Students at Risk of Academic Failure (policy 3405), Student Promotion and Accountability (policy 3420)

Other Resources: *School Improvement Planning and NCStar*, North Carolina Department of Public Instruction, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/office-school-improvement/school-improvement-planning-and-ncstar

Adopted: February 8, 2016

Revised: December 14, 2018; August 8, 2022; July 20, 2026

Reviewed: May 17, 2021

To create and maintain a safe, orderly and inviting learning environment, students must have the skills to resolve conflicts in non-violent ways.

All schools are encouraged to include a conflict resolution plan in the school improvement plan as provided in policy 3430, School Improvement Plan.

The central curriculum committee shall explore opportunities to integrate conflict resolution skills into the standard course of study and other curricula.

Legal References: G.S. 115C-47, -81.6, -105.27, -105.32

Cross References: School Improvement Plan (policy 3430), Alternative Learning Programs/Schools (policy 3470/4305)

Adopted: May 17, 2021

The board strongly encourages programs and activities that recognize and reward excellence in student academic achievement, character and leadership.

A variety of programs, such as honor rolls, honor societies, and citizenship and leadership awards, may be implemented to recognize outstanding student achievement. The board encourages school recognition ceremonies and community recognition ceremonies to honor scholarship and distinguished character and leadership abilities.

Administrators and teachers are responsible for developing and implementing various means of recognizing student achievement.

Legal References: G.S. 115C-36, -47

Cross References: Goals and Objectives of the Educational Program (policy 3000), Class Rankings (policy 3450)

Adopted: July 19, 2010

Reviewed: May 17, 2021

Class rankings are one method of measuring academic performance. The board also recognizes other means of evaluating student achievement, including grade point average, courses completed, rigorousness of curriculum, results of tests and assessments, and recommendation letters.

High school principals shall provide for the compilation of class rankings to be listed on student transcripts and may make class rank information available periodically to students and their parents or guardians, and to other institutions at the request of the student or the student's parent or guardian. While high school principals may designate a valedictorian and salutatorian, the board encourages principals, with input from teachers, parents and students, to develop alternative or additional means of recognizing academic achievement.

Principals shall ensure that class ranking is computed in a fair and consistent manner as provided in State Board of Education Policy GRAD-004. The superintendent and principal shall ensure that students and parents receive adequate notice as to how class rank is calculated and shall provide written procedures on how students with equal grades, or grades that may be perceived as equal, will be treated. Nothing in this policy provides a student with any legal entitlement to a particular class rank or title. Although the student grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized to resolve disputes formally, the board encourages parents, students and principals to reach a resolution informally on any matters related to class rank.

Legal References: G.S. 115C-47, -276, -288; 116-11(10a); State Board of Education Policy GRAD-004

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Recognizing Excellence (policy 3440)

Adopted: May 17, 2021

The board recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be career and college ready and productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all course unit requirements as described in Section A; and

2. successful completion of cardiopulmonary resuscitation instruction.

The principal shall ensure that students and parents are aware of all graduation requirements. School counseling program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit toward graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, and the requirements of subsection C.3 of this policy in determining the graduation requirements for children of military families.

A. COURSE UNITS REQUIRED

All students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study based on the student's year of entry into ninth grade for the first time.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future-Ready Core Course of Study completed prior to grade 9, as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their school counselors when planning course schedules or making other decisions based on

graduation requirements.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) two American history courses which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course, or (c) American History and another Social Studies course; and (3) World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)±	
Total Credits	**22**	

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy, must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies CCRE-001 and GRAD-004.

± Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) an American History course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History;± and (4) Economics and Personal Finance^)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	
Total Credits	**22**	

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies CCRE-001 and GRAD-004.

± It is strongly recommended that students take World History in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard Course of Study effective in 2021-2022.

^ This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 and Thereafter

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy;† Economics and Personal Finance;± American History; and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	
Total Credits	**22**	

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/standard-course-study/mathematics/standard-course-study-supporting-resources.

† This course must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies CCRE-001 and GRAD-004.

± This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

4. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-2021 (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours***	600	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	**22**	

* Applicable only to students entering the ninth grade for the first time prior to 2017-18.

** Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

*** The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours*	600	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	**22**	

* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 and Thereafter (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))	
Science	3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))	
Social Studies	4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Additional Employment Preparation*	2 (including Employment Preparation III: Citizenship IIA (to include 75 work hours) and Employment Preparation III: Citizenship IIB (to include 75 work hours))	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	22	

* The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

B. HIGH SCHOOL END-OF-COURSE AND OTHER TESTING

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

C. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation.

1. Honor Graduates

   Honor graduates may be designated by principals on the basis of criteria established by the superintendent. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

3. Children of Military Families

In order to facilitate the on-time graduation of children of military families, as defined in policy 4050, Children of Military Families, the board adopts the following policy provisions for children of military families.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required course work so that the student may graduate on time.

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests; or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning of or during his or her senior year is ineligible to graduate from the school system after all of the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with the sending school system to ensure that the student will receive a diploma from the sending board of education.

4. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the board upon recommendation by the superintendent.

5. Graduation Certificates

   Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board policy GRAD-010.

6. Diploma Endorsements

   Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study: (1) Career Endorsement, (2) College Endorsement (two options), (3) North Carolina Academic Scholars Endorsement, and/or (4) a Global Languages Endorsement. No endorsement is required to receive a diploma.

Legal References: G.S. 115C-12(40), -47, -81.25(c)(10)(c), -81.45(d), -81.65, -174.11, -276, -288, -407.5, -407.12; 16 N.C.A.C. 6D .0309; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: October 5, 1981

Revised: September 18, 1995; March 1, 1999; October 18, 1999; April 17, 2000; June 17, 2002; February 3, 2003; December 14, 2009; November 15, 2010; February 18, 2013; June 17; 2013; October 21, 2013; May 5, 2014; May 18, 2015; November 23, 2015; February 6, 2017; November 20, 2017; May 17, 2021; August 8, 2022; March 20, 2023

A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program, school student behavior management plans, school improvement plans, and numerous other strategies identified in board policy are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Basis for Transfer

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis under any of the following circumstances.[1]

a. the student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools;

b. the student has been recommended for long-term suspension or expulsion;

c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;

d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental, and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;

e. the student is a clear threat to the safety of other students or personnel; or

f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

2. Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;

b. provide the reasons for referring the student to an alternative learning program or school; and

c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

3. Referral

a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.

b. Prior to a transfer in circumstances where a student is experiencing

academic or developmental difficulties or continuing social/behavioral problems, the principal or school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

c. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion, the principal must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

4. Responsibilities of School Personnel at the Alternative Learning Program or School

Once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school.

Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

5. Assignment of Student with Disabilities to Alternative Programs/Schools

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.

D. APPEALS PROCESS

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities,* as adopted by the State Board of Education.

In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

E. ADMINISTRATIVE ASSIGNMENTS

1. Assignment During a Long-Term or 365-Day Suspension

Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student

who is subject to G.S. 14-208.18 to an alternative learning program or school.

F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received unfavorable evaluations. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

   The board will determine annually how each alternative school will participate in the State Alternative Schools' Accountability Model. The superintendent shall provide for this information to be reported to the North Carolina Department of Public Instruction by August 1 of each year.

2. Information to be Reported to the Board of Education

   Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -

367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, EXCP-000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction), available at https://www.dpi.nc.gov/students-families/enhanced-opportunities/alternative-learning-programs#development,-implementation,-and-operations

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: May 18, 2015; May 16, 2016

Revised: November 20, 2017; December 14, 2018; May 17, 2021

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, school administrators, and teachers will exercise their authority to select appropriate materials and teach the curriculum in an effective manner. 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 choose to 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.

4. 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), Attendance (policy 4400), Community Use of Facilities (policy 5030)

Adopted: July 19, 2010

Revised: June 17, 2013; August 17, 2026

Reviewed: May 17, 2021

RELIGION IN THE SCHOOLS

Policy Code: **3515**

The United States Constitution and North Carolina Constitution protect the right of an individual to subscribe to any religious beliefs or to no religious beliefs at all. It is the board's policy to comply with federal and state law regarding religion and religious expression in the schools. The board will neither advance nor inhibit any religion or religious belief, viewpoint, expression, or practice. It is also the policy of the board to support, within the framework of the United States Constitution and the North Carolina Constitution, the free, private exercise of individual religious beliefs by students and school employees. The board will not prevent, or otherwise deny participation in, constitutionally protected prayer in the system's schools, consistent with guidance issued by the U.S. Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution. This policy supersedes any other board policy that is inconsistent with it.

The board also recognizes the importance of the religious heritage of the United States of America and North Carolina and respects the diverse religious beliefs of members of the school community. School employees are expected to show respect for the beliefs of all students and employees. Also, school programs and activities should be designed to foster understanding, appreciation, and respect for the diverse beliefs of the school system's students and employees.

In order to ensure that the school system upholds constitutional standards within the religiously neutral role assigned to public schools, school employees should request approval from the school principal before planning a school-sponsored instructional activity, observance, program, or other event that will include religious content or could be construed as a religious ceremony or celebration. As necessary, the principal shall confer with the superintendent or designee to determine whether the proposed activity is consistent with constitutional requirements. The superintendent or designee shall consult the board attorney whenever prudent to do so to determine the applicable legal standards and/or the constitutionality of the proposed activity.

If the proposed activity is inconsistent with such standards, it will not be permitted.

The superintendent, in consultation with the board attorney, shall develop administrative regulations designed to comply with the requirements of the United States Constitution and court decisions interpreting the Constitution. The regulations also shall address pertinent statutes enacted by the North Carolina General Assembly.

Legal References: U.S. Const. amend. I; Equal Access Act, 20 U.S.C. 4071-4074; N.C. Const. art. I, § 14; G.S. 115C-36, -47, -407.30 through -407.33

Cross References: Board Attorney (policy 2610), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Religious-Based Exemptions from School Programs (policy 3510), Distribution and Display of Non-School Material (policy 5210)

Adopted: January 12, 2015
Revised: May 17, 2021

SPECIAL EDUCATION PROGRAMS/ RIGHTS OF STUDENTS WITH DISABILITIES

Policy Code: **3520**

The board requires that all special education programs operating in this school system be in compliance with *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education.

All children with disabilities will be accorded rights as required by federal and state law. See also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

The residence of a child with disabilities will be determined in accordance with G.S. 115C-366 and policy 4120, Domicile or Residence Requirements.

The board encourages parents, guardians, surrogate parents, custodians, eligible students, and school employees to work cooperatively to ensure that the special needs of students are met. Parents will be provided with information about their rights, the rights of their child, and the responsibilities of the school system toward meeting the special needs of their child.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-366, -390.5 through -390.12; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Domicile or Residence Requirements (policy 4120)

Adopted: November 20, 2017

Reviewed: May 17, 2021

The board encourages all students to develop an understanding of citizenship, including the importance of a citizen's rights and responsibilities.

The curriculum committee established in policy 3100, Curriculum Development, shall develop the curriculum to include citizenship instruction. At a minimum, the curriculum will incorporate all statutory and State Board of Education requirements concerning civics, citizenship, and character education. In addition to meeting any state requirements, the curriculum also should be designed to reinforce the student behavior management plan.

The curriculum will include character education instruction as required by G.S. 115C-81.60. Such instruction should address character traits including, but not limited to, courage, good judgment, integrity, kindness, perseverance, respect, responsibility, and self-discipline, as well as responsibilities such as respect for school personnel, responsibility for school safety, service to others, and good citizenship.

The curriculum also must require that appropriate instruction be provided on the meaning and historical origins of the North Carolina and United States flags and the Pledge of Allegiance and may include guidelines for the use and display of the North Carolina and United States flags. Any North Carolina or United States flags donated or otherwise made available will be displayed in each classroom, and recitation of the Pledge of Allegiance will be scheduled on a daily basis. The principal shall ensure that no student is compelled to salute the flag, recite the Pledge of Allegiance, stand to acknowledge the flag or stand to participate in the Pledge of Allegiance, or otherwise feel coerced to participate. The curriculum may encourage teachers to use the recitation of the Pledge of Allegiance as an opportunity to teach students about the history concerning coercion and the importance of the First Amendment to the Bill of Rights.

All schools will commemorate Constitution Day and Citizenship Day and also Memorial Day. If students are in attendance on September 17, which is Constitution Day and Citizenship Day, an educational program about the United States Constitution will be held. If students are not in attendance on September 17, the program will be held during the week preceding or following September 17. Likewise, if students are in attendance on Memorial Day, they will receive instruction on the significance of Memorial Day. If students are not in attendance on Memorial Day, instruction on the significance of Memorial Day will be provided at another time.

The curriculum may include for middle school and high school students a community volunteer service requirement in order to demonstrate the value and effectiveness of volunteer contributions to the community. Students shall receive sufficient notice of any community volunteer service requirement approved by the board.

Legal References: P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d)); G.S. 115C-12(33), -47(29a), -81.45, -81.60

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum

Development (policy 3100)

Adopted: November 1, 2011

Revised: June 14, 2016 (footnotes only); May 17, 2021

COMPREHENSIVE HEALTH EDUCATION PROGRAM

Policy Code: **3540**

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school system will meet the requirements of state law and the objectives established by the State Board of Education. The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

A. COMPREHENSIVE HEALTH EDUCATION PROGRAM

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.

Instruction on gender identity, sexual activity, or sexuality will not be included in the health education program in kindergarten through fourth grade (see also policy 1310/4002, Parental Involvement). As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, the effectiveness of contraceptive methods in preventing pregnancy, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.

B. PARENTAL OPPORTUNITIES TO REVIEW MATERIALS AND WITHHOLD CONSENT FOR STUDENT PARTICIPATION

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the principal or designee shall notify parents of the opportunity to review the materials and objectives that will be used in instruction. A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught.

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking

prevention and awareness. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy. Any parent wishing to withhold consent must do so in writing to the principal.

C. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law.

A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.

Legal References: G.S. 115C art. 9; 115C-36, -76.25(a)(1), -76.35(b)(5), -76.40, -76.55, -81.25, -81.30; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policy SCOS-007

Cross References: Parental Involvement (policy 1310/4002)

Adopted: July 20, 1987

Revised: September 18, 1995; April 17, 2000; May 17, 2010; July 19, 2010; October 21, 2013; February 9, 2016; November 20, 2017; December 18, 2023

Reviewed: May 17, 2021

The board of education recognizes the value of family engagement in a child's academic success and believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents and other family members are their children's first teachers; therefore, the continued involvement of parents and family members in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents and family members with meaningful opportunities to become involved in the programs offered by the Title I schools. The board encourages parents and family members to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the school system's Title I program in helping students meet state and local achievement standards.

A. DEFINITION OF PARENT AND FAMILY ENGAGEMENT

For the purposes of this policy, the term "parent and family engagement" means the participation of parents, guardians, and other family members in regular, two-way, and meaningful communication involving student learning and other school activities, including ensuring the following:

1. that parents and family members play an integral role in assisting their child's learning;

2. that parents and family members are encouraged to be actively involved in their child's education at school;

3. that parents are full partners in their child's education and parents and family members are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and

4. that the school system utilizes activities to support parent and family engagement in the Title I programs.

B. PURPOSE AND OPERATION OF TITLE I PROGRAM

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high-quality, well-rounded education and meet the school system's challenging academic standards . The Title I program provides instructional activities and supportive services to eligible students over and above those provided by the regular school program.

Qualified Title I schools will operate as school-wide programs or targeted assistance programs based upon federal eligibility criteria. School-wide programs will provide comprehensive support to offer improved opportunities for all students in the school to

meet the school system's academic standards. Targeted assistance programs will provide services to eligible students most in need of assistance in the school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgment, and results of preschool screening and home-school surveys.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include evidence-based strategies to support parent and family engagement.

C. ANNUAL MEETING AND PROGRAM EVALUATION

Each year, school officials must invite parents of students participating in Title I programs to a meeting to explain parental rights, discuss the programs and activities to be provided with Title I funds, and solicit input on the Title I program and this policy. In addition, school officials must provide parents and family members a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent and family engagement policies and plans. Information collected from these proceedings will be used to revise Title I programs and parent and family engagement plans.

D. PARENT AND FAMILY ENGAGEMENT EFFORTS

The board believes that the involvement of Title I parents and family members in the design and implementation of the Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to conduct outreach to parents and family members and involve them in activities throughout the school year.

The superintendent shall ensure that this system-level parent and family engagement policy and plan is developed with, agreed upon with, and annually distributed to parents and family members of participating students. In addition to the system-level parent and family engagement plan, each school participating in the Title I program shall jointly develop and annually distribute to parents and family members a school-level written parent and family engagement plan that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs, including parents and family members who have limited English proficiency, who have disabilities, or who are migratory. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student achievement levels and the school's academic performance.

School officials shall invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to

students enrolled in private schools. The superintendent or designee shall establish any additional procedures necessary to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents and family members in the joint development of the Title I program and school support and improvement plan and the process of school review and improvement by including parents on the school advisory committee and any committees that review the Title I program;

2. provide coordination, technical assistance, and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities that are designed to improve student academic achievement and school performance;

3. coordinate and integrate parent and family engagement strategies in the Title I program to the extent feasible and appropriate with parental engagement strategies established in other federal, state, and local laws and programs;

4. with the meaningful involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parent and family engagement policies and program in improving the academic quality of the school and assisting students to meet the school system's academic standards;

5. strive to eliminate barriers to parental participation by assisting parents who have disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;

6. provide outreach and assistance to parents and family members of children who are participating in Title I programs in understanding the state's testing standards, the assessments used, Title I requirements, and all national, state, and local standards and expectations through such efforts as community-based meetings, posting information on school websites, sending information home, newsletters, workshops, and newspaper articles;

7. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;

8. with the assistance of parents, ensure that teachers, specialized instructional support personnel, principals, and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with, and reach out to parents as equal partners in education;

9. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to help parents monitor their child's progress and work with educators to improve achievement through such methods as literacy training or using technology, which may include education about the harms of copyright piracy;

10. coordinate and integrate, to the extent feasible and appropriate, parental involvement programs and activities with federal, state, and local programs, including public preschool programs, and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

11. strengthen the partnership with agencies, businesses, and programs that operate in the community, especially those with expertise in effectively engaging parents and family members in education;

12. ensure that parents are involved in the school's Title I activities; and

13. provide such other reasonable support for Title I parental involvement activities as requested by parents.

E. NOTICE REQUIREMENTS

School system officials and Title I school personnel shall provide effective notice of the following information as required by law. The notice must be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

1. Program for English Learners

   Each year the principal or designee shall provide notice of the following to parents of English learners identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

   a. the reasons for the child's identification;

   b. the child's level of English proficiency and how such level was assessed;

   c. methods of instruction;

   d. how the program will help the child;

   e. the exit requirements for the program;

   f. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational

program (IEP);

g. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal, and selection of a program for English learners; and

h. notice of regular meetings for the purpose of formulating and responding to recommendations from parents.

2. System Report Card

Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing information about the school system and each school, including, but not limited to:

a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

c. the percentage and number of students who are:
   i. assessed,
   ii. assessed using alternate assessments,
   iii. involved in preschool and accelerated coursework programs, and
   iv. English learners achieving proficiency;

d. the per pupil expenditures of federal, state, and local funds; and

e. teacher qualifications.

3. Teacher Qualifications

a. At the beginning of each year, school system officials shall notify parents of students who are participating in Title I programs (1) of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child and (2) that such information will be provided in a timely manner (see policy 7820, Personnel Files).

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned.

4. Student's Academic Growth and Achievement

School officials shall provide to each parent of a student who is participating in a Title I program information on the level of achievement and academic growth, if applicable and available, of the student on each of the state's academic assessments.

5. Parental Rights and Opportunities for Involvement

a. Each year, the principal or designee of a Title I school shall provide notice to parents of the school's written parent and family engagement policy, parents' right to be involved in their child's school, and opportunities for parents and family members to be involved in the school.

b. At the beginning of each school year, the principal or designee of a Title I school shall provide notice to parents of (1) their right to request information regarding student participation in state-required assessments and (2) that such information will be provided in a timely manner.

F. WEBSITE DISTRIBUTION OF INFORMATION

Each year, school system officials shall publicize on the school system website and, where practicable, on the website of each school:

1. the report card described in subsection E.2, above; and

2. information on each assessment required by the state and, where feasible, by the school system, organized by grade level. The information must include:

a. the subject matter assessed;

b. the purpose for which the assessment is designed and used;

c. the source of the requirement for the assessment;

d. if available, the amount of time students will spend taking the assessments and the schedule of the assessments; and

e. if available, the time and format for distributing results.

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

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Personnel Files (policy 7820)

Adopted: November 23, 2015

Revised: November 20, 2017; February 15. 2021

TITLE I PROGRAM
COMPARABILITY OF SERVICES

Policy Code: **3565/8307**

To improve the academic achievement of educationally and economically disadvantaged children, the board will participate in the federal Title I program.

A. TITLE I MAINTENANCE OF EFFORT

The school system will maintain fiscal effort with state and local funds as required to be eligible for the receipt of funds through Title I, Part A of the Elementary and Secondary Education Act, as amended.

B. USE AND ALLOCATION OF TITLE I FUNDS

Title I funds will be used to supplement, and not to supplant, non-federal funds that would otherwise be used for the education of students participating in the Title I program. Accordingly, state and local funds will be allocated to each school receiving Title I funds in a manner that ensures that each such school receives all of the state and local funds it would otherwise receive in the absence of Title I funding.

C. COMPARABILITY OF SERVICES

State and local funds will be used in schools receiving Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds, or, if all schools receive Title I funds, to provide services that are substantially comparable in each school. The board will ensure equivalence among schools in the allocation of state and local resources for (1) teachers, administrators, and other staff, and (2) curriculum materials and instructional supplies. In addition, the board will establish and implement system-wide salary scales that are applicable to all staff whether assigned to Title I or non-Title I schools.

D. COMPARABILITY TESTING

The superintendent shall direct the Title I director, in conjunction with the finance officer, to conduct comparability testing before November 1 of each school year to assess the equivalent distribution of state and local resources among schools. The Title I director will determine annually whether to compare student enrollment to instructional staff or to instructional staff salary and also whether schools will be examined on a grade-span basis or on a school-by-school basis. The following will be excluded when determining comparability: (1) any resources paid with federal or private funds; (2) supplemental state or local funds expended for programs that meet the intent and purpose of Title I; (3) staff salary differentials for years of employment; (4) unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year; (5) state and local funds expended for language instruction programs; and (6) excess costs of providing services to students with disabilities. Comparability testing will

be completed using the forms and following the guidance created by the North Carolina Department of Public Instruction (NCDPI) for the calculation of comparability. The superintendent or designee shall submit the comparability testing report annually to NCDPI by the deadline established by that agency.

E. CORRECTION OF NONCOMPLIANCE

If comparability testing identifies any instances of variance greater than 10%, the Title I director shall notify the superintendent or designee without delay. The superintendent or designee shall promptly make adjustments as needed to ensure comparability. These adjustments may include, but need not be limited to, reallocation of materials or supplies, or reassignment of personnel.

F. DOCUMENTATION OF COMPLIANCE WITH TITLE I FISCAL REQUIREMENTS

The superintendent or designee shall provide in a timely manner any assurances, additional documentation, or other information required by the State Board of Education/NCDPI to demonstrate the school system's compliance with Title I fiscal requirements.

G. RECORDS MAINTENANCE

The superintendent or designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy, including documentation to demonstrate that any needed adjustments to staff assignments were made annually, for review by the North Carolina Department of Public Instruction or auditors upon request.

The superintendent shall ensure that all other requirements for receiving Title I funds are fulfilled in an accurate and timely manner and shall develop, or cause to be developed, any additional procedures necessary to implement this policy.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References:

Other Resources: *Non-Regulatory Guidance, Title I Fiscal Issues*, U.S. Department of Education (February 2008), available at https://www.ed.gov/sites/ed/files/2020/07/fiscalguid.pdf

Adopted: February 6, 2017

Revised: March 29, 2018; July 20, 2026

Reviewed: May 17, 2021

Guidance and counseling programs are provided by the school system with the ultimate aim of improving student performance by implementing strategies and activities that support and maximize student learning; helping students to grow in their personal and social development; and providing a foundation for acquiring the skills that enable students to graduate career and college ready and prepared to be lifelong learners. The principal of each school shall develop a counseling program that is data-driven and meets the objectives of the State Board of Education's comprehensive school counseling program curriculum and the academic, career, and social/emotional developmental needs of the student population at that school. The program will include individual and group counseling, classroom presentations, academic advising, career development services, consultation, parent education, and other responsive services.

In addition, the counseling program will incorporate the following specific elements.

A. INVOLVEMENT OF PARENTS AND OTHERS

The counseling program is the shared responsibility of teachers, counselors, parents, and community members, and should operate with the collaboration of all individuals involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's parental involvement plan. (See policy 1310/4002, Parental Involvement.)

Each year, the principal or designee shall inform parents of the guidance and counseling services available to students. Parents will be notified of the right to opt their students out of participation in certain group academic or career guidance or personal or social counseling services of a generic nature (see policy 1310/4002).

B. PROVISION OF COUNSELING SERVICES

Counseling services may be provided on an individual basis or in small or large groups. Students may seek counseling or be referred by staff or parents. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system administrators. If students have extensive needs or needs that go beyond the purpose of the counseling program, school counselors may refer them to community resources.

Counseling programs are most effective when voluntarily entered into by a student. Students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan, or, for special education students, an individualized education plan. (See Student Behavior Policies (4300 series), policy 3420, Student Promotion and Accountability, and policy 3520, Special Education Programs/Rights of Students with Disabilities.)

C. PEER-TO-PEER SUPPORT PROGRAMS

All schools with grades six and higher will have peer-to-peer student support programs that address areas such as conflict resolution, general health and wellness, and mentoring. Schools are encouraged to implement peer-to-peer student support programs in other grades as appropriate.

D. ACADEMIC ADVISING

School counselors and other guiding adults in middle and high schools shall support equitable access to opportunities and rigorous and relevant curricula for all students. Prior to the ninth grade, students will be informed about the course requirements for regular and accelerated college entry and the availability of early graduate scholarships for those students who complete high school in three years. School counselors shall encourage ninth grade students to complete the requirements for college entry in less than four years, if feasible and appropriate.

E. NOTIFICATION OF SAFE SURRENDER LAW

School personnel shall annually provide all students in grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with Article 5A of Chapter 7B of the General Statutes.

F. EMPLOYEE MANDATORY REPORTING

Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal.

Any counselor or other staff member who knows or has cause to suspect maltreatment of a child must report the information as provided in policy 4240/7312, Child Abuse and Related Threats to Child Safety, and as required by law.

G. CONFIDENTIALITY

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by G.S. 8-53.4, the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by law and policy 4240/7312.

Any notation made by a counselor for his or her own use is a confidential document and

is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-301; 7B art. 5A; 8-53.4; 110-105.4; 115C-12, -47, -400, -401; 116 art. 23; State Board of Education Policies GRAD-006, SCOS-011

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Special Education Programs/Rights of Students with Disabilities (policy 3520), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Student Records (policy 4700)

Adopted: November 20, 2017

Revised: May 17, 2021; April 2, 2024

EXTRACURRICULAR ACTIVITIES AND STUDENT ORGANIZATIONS

Policy Code: **3620**

The board recognizes the value of interscholastic athletics and extracurricular activities in promoting leadership and team skills, practicing democratic principles, and encouraging the lifelong learning process. Students are encouraged to participate in opportunities available at the school, including interscholastic athletics and student organizations. All activities are open to all students attending that school unless a restriction is justified and has been approved by the principal. The principal shall ensure that students and parents are notified of the various opportunities for participation in extracurricular activities and shall establish rules, as necessary, to govern such activities.

A. REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior standards established by the board, the superintendent, or the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has failed to meet any applicable attendance requirements; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. School administrators choosing to exercise this authority to restrict participation shall provide this policy and any additional rules, including attendance requirements, developed by the superintendent or the principal to all parents, guardians, and students.

B. ADDITIONAL RULES FOR SPECIFIC ACTIVITIES

1. Interscholastic Athletics

   a. General Rules

      In addition to meeting the general requirements listed above, to be eligible for interscholastic athletics participation, students must meet all applicable eligibility standards of law and the State Board of Education as well as any locally established requirements for interscholastic athletics participation.

   b. Participation by Sixth Graders

      Students in the sixth grade are eligible to participate in all interscholastic athletics except tackle football.

   c. Students Who Transfer Schools Within the School System

It is the policy of the board that a student who transfers from one school in the school system to another school in the school system will be immediately eligible to participate in interscholastic athletics at the new school, if otherwise permitted under the rules of the State Board of Education.

d. Name, Image, and Likeness (NIL) Agreements

A student participating in interscholastic athletics may enter an agreement to use the student's name, image, or likeness subject to the requirements of 16 N.C.A.C. 6E .0211.

e. Home School Students

Any home school student whose primary residence (as defined in 16 N.C.A.C. 6E .0207) is in the school system and who is dually enrolled in accordance with the school system's enrollment and assignment policies and procedures is eligible to participate in high school interscholastic athletics if the student complies with the requirements of this subsection and meets all applicable eligibility standards of law and the State Board of Education as well as any applicable locally established requirements for interscholastic athletics participation.

The student must present a home school card from the Division of Non-Public Education for the previous and current years as well as a transcript, attendance record, and immunization records. Prior to the first date of practice, the student must provide the results of a nationally standardized achievement test, taken within the last year, that indicates the student was on grade level at the time the test was taken. The student must also present proof of catastrophic accident insurance coverage unless the student is covered under the board's catastrophic athletic accident insurance policy.

The student must have been enrolled in a registered home school for 365 days prior to participation in athletics. Once dually enrolled and deemed eligible to participate in athletics, the student must maintain continuous dual enrollment. Failure to maintain continuous dual enrollment would render the student ineligible for athletic participation for 365 days.

The student must participate in a class schedule at the assigned school that is at least one half of the assigned school's instructional day. At least one class must be taken on campus each semester. The student must pass all classes in which the student is enrolled at the assigned school in order to maintain athletic eligibility.

The student must notify the principal of the assigned school in writing of

the student's intent to try out for an athletic team at least 10 days prior to the first practice date of each sport season in which the student wishes to participate. Failure to comply with this requirement renders the student ineligible for that sport season.

2. Student-Initiated, Noncurriculum-Related Student Groups at the Secondary Level

Student-initiated, noncurriculum-related, secondary school student groups will be permitted to conduct voluntary meetings on school grounds during noninstructional time, regardless of the size of the group or the religious, political, philosophical, or other content of the speech at the meetings, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school. The principal shall establish viewpoint neutral rules governing such meetings, including restrictions on when and where meetings may occur.

School employees may not promote, lead, or participate in student-initiated meetings but may be present at meetings to maintain order and discipline, to protect the well-being of the students and faculty, and to assure that attendance of students at the meetings is voluntary. School employees may not influence the form or content of any prayer or other religious activity or require any person to participate in prayer or other religious activity. In addition, non-school persons may not direct, conduct, control, or regularly attend the activities of the groups.

No public funds will be expended on behalf of the student-initiated, noncurriculum-related student groups except for the incidental cost of providing space for the group meetings.

Student-initiated, noncurriculum-related groups will have the same access to communication channels for publicizing their meetings as is allowed to all other noncurriculum-related student groups. However, school officials may indicate in such communications that the meetings are not sponsored by the school.

For purposes of this subsection, a noncurriculum-related student group is one that is not directly related to the curriculum. A student group will be considered curriculum-related only if (1) the group's subject matter is taught in a regularly offered course or relates to the curriculum as a whole; (2) participation in the group is required as part of a course; or (3) participation in the group results in course credit.

C. SPECIAL CIRCUMSTANCES

1. Students with Disabilities

Students with disabilities must be accorded the legal rights required by federal and state law.

2. Children of Military Families

School administrators shall facilitate the inclusion and participation in extracurricular activities of children of military families, as defined in policy 4050, Children of Military Families, transferring into the school, to the extent they are otherwise qualified, by:

a. providing information about extracurricular activities to incoming children of military families; and

b. waiving application deadlines.

D. APPEALS PROCESS

The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-12(23), -47(4), -390.2, -407.5, -407.55, -407.59, -407.60, -407.65, -407.70, -407.75; 16 N.C.A.C. 6E .0207, .0208, .0211; State Board of Education Policy ATHL-001; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; N.C. High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook; Middle/Junior High School Athletic Manual (NCDPI), available at http://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/programs-and-initiatives/nc-healthy-schools/athletics

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military Families (policy 4050), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), School Assignment (policy 4150), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

Adopted: November 20, 2017

Revised: May 17, 2021; March 20, 2023; June 19, 2023; September 8, 2025

STUDENT ORGANIZATIONS

Policy Code: 3622

The board recognizes the value of extracurricular activities to the total educational development of students. The board therefore encourages the individual schools to sponsor or recognize appropriate student organizations that help meet the diverse needs of all students. The number and types of student organizations at each school should be appropriate to the age and developmental level of students and to the organizational structure of the school.

SCHOOL-SPONSORED OR SCHOOL-AFFILIATED ORGANIZATIONS

1. Purpose

   School-sponsored or school-affiliated student organizations must be organized for a specific purpose or mission. Such organizations should contribute to the overall mission of the school district. Student organizations should be structured to develop leadership, team, and social skills; to promote democratic principles; to reinforce curricular studies; to recognize student achievement; or to provide community service. Each school is encouraged to have a student council or similar organization to provide students an avenue for input into the operation of the school.

2. Operation

   Student organizations must operate in accordance with the following requirements:

   - create and follow a written constitution or by-laws;
   - obtain a faculty sponsor or supervisor;
   - abide by all relevant policies of the board; and
   - obtain approval from the appropriate authority for all activities conducted under the auspices of the school.

3. Membership

   Student organizations may not discriminate on any illegal basis. Student organizations may, however, establish behavioral, citizenship, service, or academic eligibility requirements for membership as long as such requirements are applied consistently. Membership in any school-sponsored or school-affiliated student organization must be restricted to students in the school.

4. Recognition as a school sponsored or affiliated organization

   The principal of the school will determine whether a student organization is recognized as a school sponsored or affiliated organization. A principal does not have to recognize a student organization that is not curriculum-related; however, if a principal recognizes any non-curriculum-related student organization, then he or she cannot discriminate against other non-curriculum-related organizations on the basis of their mission or

purpose, provided that the organization is in compliance with other provisions of this policy and other board policies.

Faculty members assigned responsibility for non-curriculum-related student organizations should function in a supervisory capacity only.

OTHER STUDENT GROUPS

Students may form groups that are not recognized as school sponsored or affiliated in accordance with the following requirements:

- all students must comply with the code of student conduct;
- school facilities may be used on the same terms as other community organizations;
- the organization must clearly communicate that its operation is not sanctioned by the school or school district.

Strategic Priorities: High Student Achievement; Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-47

Cross References: Recognizing Excellence (policy 3440), Extracurricular Program (policy 3620)

Adopted: December 5, 1977

Revised: February 7, 2000

Reviewed: May 17, 2021

INTERSCHOLASTIC ATHLETICS

Policy Code: 3623

The board recognizes the value of competitive sports in helping to meet the diverse needs of students and therefore encourages the district's middle schools and high schools to provide a comprehensive program of interscholastic athletics for students in grades 6-12.

1. The interscholastic athletic program will be conducted in accordance with applicable policies adopted by the State Board of Education, regulations adopted by the North Carolina High School Athletic Association, and the policies and athletic handbooks adopted by the local board of education. Personnel involved in the organization, administration, and supervision of interscholastic athletics will be familiar with and abide by all applicable policies, procedures, regulations and handbooks adopted for the governance of the interscholastic athletic program.

2. Participation in interscholastic athletics will be open to any student who:

    a. is properly enrolled in the school district and is properly assigned to the school offering the team on which he or she wishes to participate, and who meets the residency requirements established by the North Carolina High School Athletic Association;

    b. meets the age and grade requirements established by the North Carolina High School Athletic Association and the State Board of Education;

    c. has adequately passed a complete physical examination by a licensed physician or other approved health care professional;

    d. provides evidence of adequate health or accident insurance coverage;

    e. demonstrates an acceptable level of academic achievement as required by the North Carolina High School Athletic Association and the State Board of Education; and

    f. satisfies such other academic, attendance and behavioral requirements as may be established by the school principal, the local board, the North Carolina High School Athletic Association, or the State Board of Education.

3. Participation in middle school athletic programs will be limited as follows:

    a. middle school students in grade six may not participate in football;

    b. middle school cheerleader and mat maid teams for grades 6-8 may participate in home events and at events in other district schools; these teams also may travel to participate in games/events outside Stokes County if the opponents also have middle school cheerleader and/or mat maid teams.

4. Prior to the first day of practice for any interscholastic athletic team, the team's coach will meet with prospective participants and their parents to review the school's expectations for student athletes. This meeting will include a discussion of practice and game schedules; academic, attendance and behavioral expectations; sportsmanship requirements; and completion of fair play and good sportsmanship pledges by the coaches, student athletes and athletes' parents.

5. Each school year all middle schools and high schools within the district will schedule and play all other district schools of the same organizational structure that have comparable athletic teams.

6. Interscholastic athletic teams may not practice or compete on any day when school has been dismissed early or canceled due to inclement weather unless the superintendent, on the recommendation of the principal, has approved an exception for a specific team, event, or school.

Strategic Priorities: High Student Achievement; Safe, Orderly and Caring Environment (policy 1100)

Legal References: G.S. 115C-47; 16 NCAC 6E .0200

Cross References:

Adopted: December 5, 1977

Revised: August 29, 1983; May 1, 1995; October 18, 1999; April 17, 2000; December 16, 2002

Reviewed: July 19, 2010, May 17, 2021

Revised: October 3, 2016; September 10, 2021

NON-EMPLOYEE AND VOLUNTEER ATHLETIC COACHES

Policy Code: 3625/5016

The Board recognizes that in order to provide a comprehensive athletic program, schools may need to contract with non-employees to assume coaching responsibilities as well as use the services of volunteer coaches.

The following requirements apply to the use of non- employees and volunteer athletic coaches.

1. Non-employee and volunteer coaches must be knowledgeable and skilled in sports safety and supervising students as well as in the particular sport(s) to be coached.

2. Non-employee and volunteer coaches must be approved by the board before they may work directly with students.

3. Non-employee coaches must work under the direct supervision of any Stokes County School employee (coach) at any school for at least the first two years of coaching service. The superintendent may recommend a waiver of this requirement to the Board.

4. Volunteer coaches may not serve in head coaching positions and must at all times work under the direct supervision of a school employee.

5. Non-employee and volunteer coaches will abide by other specific requirements as outlined policy 3623, Interscholastic Athletics.

6. Unless more specifically addressed in this policy, all applicable provisions of policy 5015 apply to non-employee and volunteer coaches.

For purposes of this policy, a non-employee coach refers to a coach who has a services contract with Stokes County Schools and who is not an employee in accordance with the Internal Revenue Code and regulations.

Strategic Priorities: Safe, Orderly, and Caring Environment; Quality Personnel (policy 1100)
Legal References: G.S. 115C-47

Cross References: Interscholastic Athletics (policy 3623), School Volunteers (policy 5015)

Adopted: April 17, 2000
Revised: May 17, 2004; July 19, 2010; October 15, 2012; March 21, 2022
Reviewed: May 17, 2021

STUDENT VOTER REGISTRATION AND PREREGISTRATION

Policy Code: **3640/5130**

The board is committed to securing the future of democracy by preparing young people to be educated, engaged voters. Further, the board is committed to working in collaboration with the local board of elections to encourage students who are sixteen years of age or older to register or preregister to vote as permitted by North Carolina law.

In keeping with this commitment, the board directs the superintendent to establish a committee of high school social studies teachers and other appropriate school personnel to collaborate with the local board of elections to facilitate and encourage voter registration and preregistration at all high schools in the school system.

The principal of each high school shall make the application forms described in G.S. 163A-862 available to all students and others who are eligible to register or preregister to vote.

Legal References: G.S. 115C-47(59), -81.45(c)(1)(b); 163A-860, -862, -888

Cross References: Citizenship and Character Education (policy 3530)

Adopted: November 20, 2017

Revised: March 29, 2018

Reviewed: May 17, 2021

The board recognizes that providing students with the opportunity to receive a sound basic education must be the primary focus of each school, the school system, and the board. To support students in their formal education, each school should strive for a learning environment in which:

1. school grounds, buildings, and classrooms are safe, orderly, clean, and inviting;
2. students learn and practice responsible behavior;
3. students are treated fairly; and
4. students have input in decisions affecting them when feasible.

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: February 8, 2016

Reviewed: June 21, 2021

The board affirms the principle that every student should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of any characteristic protected by federal or state law, will be excluded from participating in the programs and services of the school system or otherwise be subjected to discrimination under any educational program or activity conducted by the school system. The school system will treat its students without discrimination in accordance with applicable law with regard to course offerings, athletics, counseling, employment assistance, extracurricular activities, and educational resources.

Any student or parent or guardian who feels that this policy has been misinterpreted, misapplied, or violated may file a complaint in accordance with policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities; or policy 1740/4010, Student and Parent Grievance Procedure, as appropriate.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1701 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-1, -367, -375.5, -407.15 through -407.18, -407.30; *Leandro v. State*, 346 N.C. 336 (1997); *Parent Rights & Responsibilities in Special Education* (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://www.dpi.nc.gov/districts-schools/classroom-resources/exceptional-children/resources-for-families-students#ParentsRightsAndResponsibilitiesinSpecialEducation-6016

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Pregnant and Parenting Students and Employees (policy 4023/7233)

Adopted: August 16, 2010

Reviewed: June 21, 2021

Revised: July 20, 2026

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in their children's education and in activities designed by school personnel to involve them, such as parent conferences, in order to foster effective teacher and parent communication. Parents are responsible for cooperating with school employees to facilitate their children's compliance with board policies concerning homework, school attendance, and behavior.

For purposes of this policy, "parent" includes parents, legal guardians, and legal custodians of students who are under 18 years old and who have not been emancipated.

A. PARENTAL INVOLVEMENT PLANS

1. Parental Involvement Plan as Part of the School Improvement Plan

   The board directs each principal to ensure that the school improvement team develops a plan for the school's parental involvement program as a part of the school improvement plan. The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school. This plan must include, at a minimum, efforts to enhance parental involvement by promoting the following priorities:

   a. regular, meaningful, two-way communication between home and school;

   b. responsible parenting;

   c. involvement of parents in student learning;

   d. parental volunteering in the school;

   e. involvement of parents in school decisions that affect children and families;

   f. parental training based on parents' informational needs;

   g. collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and

   h. student health awareness among parents by addressing the need for health

programs and student health services, which are linked to student learning.

2. Title I Parent and Family Engagement Plan

Each school participating in the Title I program must develop, with parents and family members, a school-level written parent and family engagement plan that involves parents in the planning and improvement of Title I activities and describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title I programs. See policy 1320/3560, Title I Parent and Family Engagement.

3. Parental Involvement Component of a School Plan for Managing Student Behavior

Each school's plan for managing student behavior should include parental involvement strategies that address when parents will be notified or involved in issues related to their child's behavior. See policy 4302, School Plan for Management of Student Behavior.

B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES

1. Communication with Parents

The board encourages school personnel to have regular contact with parents for informational purposes as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues in accordance with requirements of policy 4341, Parental Involvement in Student Behavior Issues, and about student attendance as described in policy 4400, Attendance. In addition, parents will be notified promptly if school personnel suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.

The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives. Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy 3210, Parental Inspection of and Objection to Instructional Materials.

The principal also shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would like information

about such clubs or activities should contact the school's main office.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade, and (3) instructional support activities for use at home.

2. Parent Participation at Schools

The board encourages parents to engage in activities in their children's schools. Parents are welcome to visit schools in accordance with policy 5020, Visitors to the Schools, and, if interested, are urged to participate in school volunteer programs as described in policy 5015, School Volunteers. In addition, opportunities exist for parents to participate on school advisory councils, such as the school health advisory council (see policy 6140, Student Wellness), school improvement teams (see policy 3430, School Improvement Plan), school media and technology advisory committees (see policy 3200, Selection of Instructional Materials), and the business advisory council (see policy 2670, Business Advisory Council).

3. Conferences

Teachers are responsible for scheduling conferences or meetings with parents. The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt, as part of their stated personnel policies, time for employees who are parents or guardians to attend conferences with their child's teachers.

C. PARENTAL NOTIFICATION

1. Title I Notifications

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

2. Parent Guide for Student Achievement

Each year, the superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the State Board of Education. All parents will receive a written copy of the guide, and information in the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

a. information for parents regarding the following as it pertains to their child: (1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for student assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations and the recommended immunization schedule;

b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;

c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);

d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;

e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as academically and/or intellectually gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C) and for personal education student accounts for students with disabilities (Article 41 of Chapter 115C);

g. rights of students who have been identified as students with disabilities, as provided in Article 9 of Chapter 115C;

h. contact information for school and unit offices;

i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and

j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.

3. Additional Annual Notifications

The principal or designee shall annually notify parents of the following information to the extent that it has not already been provided to parents as part of the parent guide for student achievement:

a. parental rights related to student records (see policy 4700, Student Records);

b. parental rights related to student surveys (see policy 4720, Surveys of Students);

c. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance,

(b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;

d. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);

e. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);

f. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);

g. policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited;

h. policy 1740/4010, Student and Parent Grievance Procedure;

i. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;

j. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);

k. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;

l. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;

m. when a student initially creates a career development plan, that the plan has been created and information on how to access the plan;

n. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;

o. a report containing information about the school system and each school, including, but not limited to:

i. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

ii. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

iii. the percentage and number of students who are:
1. assessed,
2. assessed using alternate assessments,
3. involved in preschool and accelerated coursework programs, and
4. English learners achieving proficiency;

iv. the per pupil expenditures of federal, state, and local funds; and

v. teacher qualifications;

p. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

q. if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C-105.37(b) and/or G.S. 115C-105.39A(c);

r. supportive services available to students, including health services;

s. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

t. how to reach school officials in emergency situations during non-school hours;

u. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);

v. information about the school breakfast program;

w. information about the availability and location of free summer food service program meals for students when school is not in session;

x. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

y. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;

z. education rights of homeless students (see policy 4125, Homeless Students);

aa. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);

bb. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);

cc. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and the school system's processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

dd. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and

ee. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

4. Opportunities to Withhold Consent/Opt Out Notifications

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

a. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);

b. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);

c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

d. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parents do not have the right to opt out of: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);

e. their child's participation in any protected information survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);

f. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

g. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and

h. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent or legal guardian as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);

2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);

3. off-campus trips;

4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);

5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);

6. certain health services, as required by law;

7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;

8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;

9. students' participation in any protected information survey other than those given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey or the North Carolina Youth Tobacco Survey (see policy 4720, Surveys of Students);

10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and

11. students' access to school system technological resources, including the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH

1. Parent Notifications Regarding Student Physical and Mental Health

At the beginning of each school year, the principal or designee shall notify parents of (1) each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2) acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and (3) the procedures to exercise the parental remedies for concerns related to student health provided by G.S. 115C-76.60 and described below in subsection E.6.

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made. In addition, the principal or designee shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.

No school system policy, procedure, or form will expressly or otherwise prohibit school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or monitoring. School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

2. Discussions Related to Student Well-Being

In accordance with the rights of parents provided in Chapter 114A of the General Statutes, when issues of a student's well-being arise, school personnel shall encourage the student to discuss the issues with his or her parent. As appropriate, school personnel may facilitate discussions of such issues with parents.

3. Parent Access to Student Records

   Parents will not be prohibited from accessing any of their children's education and health records created, maintained, or used by the school system, except as permitted by law. See policy 4700, Student Records.

4. Student Support Services Training

   Student support services training developed or provided by the school system to school personnel will adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction.

5. Instruction on Gender Identity, Sexual Activity, and Sexuality

   Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

6. Remedies for Parental Concerns Related to Student Health

   If a parent has a concern about the school or school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described here in Section E of this policy, the parent should submit the concern in writing to the principal. The principal shall schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation. If possible, the principal should resolve the concern within seven days after the concern was submitted. If the principal cannot resolve the concern within seven days, the principal shall immediately notify the superintendent or designee. The superintendent or designee shall assist, as needed, in resolving the concern.

   If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall schedule a board hearing to be conducted pursuant to policy 2500, Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved 30 days after the parent initially submitted the concern, the board will provide a statement of the reasons for not resolving the concern.

   If the concern is not resolved within 30 days of initial submission, the parent has the right to pursue additional remedies as provided in G.S. 115C-76.60(b).

F. PARENT REQUESTS FOR INFORMATION

A parent may request in writing from the principal any of the information the parent has the right to access under Part 3 of Article 7B of Chapter 115C. The principal, within 10 business days, shall either provide the requested information to the parent or provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

If the principal (1) denies or fails to respond to the request for information within 10 business days or (2) fails to provide information within 20 business days following an extension notice, the parent may then submit the written request for information to the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

If the superintendent denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the board no later than 20 business days from the date of the request to the superintendent. The board will place the parent's appeal on the agenda for the next board meeting occurring more than three business days after submission of the appeal.

The information in this Section F will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.

G. COMMUNITY SERVICES AVAILABLE

A variety of community services are available to provide parents and families of students in the school system with needed information, support, and resources. Parents are encouraged to utilize applicable community services such as the following:

[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]

H. REPORTING REQUIREMENTS

By September 15 of each year, the superintendent or designee shall report to the State Board of Education parental involvement information as required by State Board of Education Policy PRNT-002 and G.S. 115C-76.70.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National

School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60, -76.65, -76.70, -81.25, -81.30, -81.36, -105.37(b), -105.39A(c), -105.41, -109.1, -158.10, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307, 6G .0701; State Board of Education Policies KNEC-002, PRNT-000 and -002, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan, (policy 3430), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Adopted: February 6, 2017

Revised: November 20, 2017; December 14, 2018; February 15, 2021; December 18, 2023; April 2, 2024; August 4, 2025

TRANSLATING POLICIES FOR STUDENTS AND PARENTS

Policy Code: **4003**

The board recognizes that there are many students and parents in the school system whose primary language is not English. The board further recognizes the importance of communicating the policies of the school system to all students and parents. As funds permit, to the extent practicable, and as otherwise required by law, the school system will provide translations of pertinent school system information and policies to those students and parents whose primary language is not English. During non-instructional times, staff in the English Learners Services Department may assist schools in providing such translations. The superintendent may explore additional options for providing translations or interpretations of student and parent policies.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6318; G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002)

Adopted: February 6, 2017

Reviewed: June 21, 2021

STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code: **1740/4010**

A. OPTIONS FOR RESOLVING COMPLAINTS

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Policy 1742/5060, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

B. DEFINITIONS

1. Days

   Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted, or violated. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act.

4. Grievant

   The grievant is the parent, student, or group of parents or students submitting the grievance.

5. Parent

   All references to parent include a student's parent, legal guardian, legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

C. TIMELINESS OF PROCESS

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.

4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel. At any meeting or hearing during the grievance process, a student grievant may be

accompanied by a parent as well as a representative.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. Whenever a student or parent believes that he or she has been adversely affected by a decision of a school employee, the student or parent may file a grievance as provided in this policy.

   b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students and parents should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   c. A student or parent who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or student believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.

   d. Even if the principal is the employee whose decision or action is at issue, the student or parent must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted, or violated, the student or parent may submit the grievance directly to the superintendent or designee.

   e. If a student or parent wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student or parent, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent,

who shall forward the grievance to the board chairperson.

2. Investigation

   a. The principal shall schedule and hold a meeting with the grievant within five school days after the grievance has been filed with the principal.

   b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

   a. The principal shall provide a written response to the grievance within 10 days of meeting with the grievant. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

   b. A copy of the grievance and the principal's response will be filed with the superintendent.

4. Response by Superintendent

   a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.

   b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal, and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal.

   c. The superintendent shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to the Board

   If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is

necessary or the hearing necessitates that more time be taken to respond.

F. NOTICE

The superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq.*

Cross References: Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), Domicile or Residence Requirements (policy 4120), Student Behavior Policies (4300 series)

Adopted: August 15, 2011

Revised: June 17, 2013; February 15, 2021

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older) in its education program, which includes all operations, services, and activities of the school system, and will provide equal access to the Boy Scouts and other designated youth groups as required by law. In the context of employment, the board prohibits discrimination based on race, sex, color, national origin, religion, disability, age (40 or older), military affiliation, genetic information, or other unlawful grounds.

All forms of prohibited discrimination and harassment are subject to this policy except for sexual harassment in violation of Title IX of the Education Amendments Act of 1972, which is addressed separately in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

Though claims of discrimination or harassment on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, are subject to this policy, allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231 (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board encourages all individuals who believe that they have been discriminated against or harassed in violation of this policy or who have reliable information that another person has been discriminated against or harassed in violation of this policy to report such conduct as soon as possible through the process provided in Section B below. The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on one or more of the legally-protected characteristics listed in the first paragraph of this policy so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program.

2. Harassment

   Harassment is deliberate unwelcome conduct directed at another person or group of persons based on one or more of the legally protected characteristics listed in the first paragraph of this policy that creates a hostile environment or adversely affects a school system employee's employment. Harassment does not have to include intent to harm, be motivated by animus, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when (1) the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system or (2) the conduct is so severe or pervasive that an employee finds his or her working conditions to be abusive and a reasonable person in the employee's position would conclude that the working conditions were abusive.

   Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, derogatory epithets, comments, or slurs, imitating a person's disability-based limitations, mocking a person's accent, making fun of a person's religious garments, jewelry, or displays, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as hate symbols or derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, text message, or video calls.

   Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy. Legitimate age-appropriate pedagogical techniques are not considered harassment, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

3. Application of the Policy

   This policy applies to behavior that takes place: (1) in any school building or on

any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the individual is subject to the authority of school personnel; or (7) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools or has consequences in the workplace contributing to a hostile work environment.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Reporting Suspected Discrimination or Harassment

   Any person who believes that he or she has been discriminated against or harassed in violation of this policy or any third person who knows or suspects conduct that may constitute discrimination or harassment in violation of this policy should inform a school official designated in Section C below. Reports also may be made anonymously, including through the anonymous tip line.

2. Mandatory Reporting by School Employees

   Any employee who witnessed or who has reliable information or reason to believe that another person may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

   Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action, up to and including dismissal.

3. Preliminary Inquiry

   School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. Making a Complaint of Discrimination or Harassment

Any person who believes he or she is the victim of discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to discrimination or harassment in violation of this policy, may request that school officials investigate and redress any such unlawful conduct by making a formal written complaint to any of the following persons:

a. the principal or assistant principal of the school either the alleged victim or alleged perpetrator attends;

b. the principal, assistant principal, or site supervisor at the location where either the alleged victim or alleged perpetrator is employed;

c. the senior human resources official (or if the senior human resources official is the alleged perpetrator, the superintendent) if the alleged victim or alleged perpetrator is an employee or applicant for employment;

d. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability;

e. the Title IX coordinator, as established in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, for claims of discrimination on the basis of sex; or

f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. Addressing Complaints

A written complaint alleging that a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that a person who is not a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated when necessary to remedy violations of this policy and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, Title IX, or other relevant coordinator of the complaint and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and any further avenues for addressing the

complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances and, in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination or harassment occurred, the investigator shall take or recommend steps to address the discrimination or harassment. The investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the discrimination or harassment, rectify any wrongful impacts, and prevent its recurrence.

b. If the investigator finds that the conduct did not violate this policy but violated policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

c. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

d. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

   a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

      i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

      ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

      iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

   b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

   c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. Appeals to the Superintendent

   The alleged victim may appeal the investigator's decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next subsection). The appeal must be submitted in writing within three business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10

business days after receiving the appeal, unless further investigation is needed.

2. Appeals to the Board

Student victims or their parents may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Victims who are employees or applicants for employment may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Discipline Rights Provided by Law

Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and grievance procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitute discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education or the Equal Employment Opportunities Commission.

The contact information for the Title IX coordinator can be found in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. The contact information for the other designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

b. The ADA Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

c. The Age Discrimination Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

d. The Coordinator for Other Non-discrimination Laws is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy

Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at https://www2.ed.gov/about/offices/list/ocr/docs/race394.html; *Enforcement Guidance on Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission (April 2024), available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://www.dpi.nc.gov/parent-rights-handbook

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Adopted: February 15, 2021

Revised: September 22, 2023; August 19, 2024; August 4, 2025

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Policy Code: **1730/4022/7231**

The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit, or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;

2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;

3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);

5. make complaint procedures available as provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;

6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;

7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are

demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and

10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Service Animals in Schools (policy 4202/5029/7272)

Adopted: April 19, 2010

Revised: March 19, 2012; February 20, 2017; February 15, 2021

PREGNANT AND PARENTING STUDENTS AND EMPLOYEES

Policy Code: **4023/7233**

A. STUDENTS

1. Nondiscrimination

The board will provide all pregnant and parenting students with the same educational instruction as other students or its equivalent. Students will not be discriminated against or excluded from school or from any program, class, or extracurricular activity based on the students' current, potential, or past pregnancy or related conditions or because they are parenting students. For purposes of this policy, "pregnancy or related conditions" means pregnancy, childbirth, false pregnancy, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, false pregnancy, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions.

2. General Requirements

School administrators shall provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate. In accordance with state law, school system officials shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Students who are pregnant or parenting will be given excused absences from school for pregnancy and related conditions for the length of time the students' physicians find medically necessary and for absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work will be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school. To the extent necessary, a homebound teacher will be assigned.

3. Providing Title IX Coordinator Contact and Other Information

When a student or student's parent or guardian informs any school system employee of the student's pregnancy or related conditions, the employee shall promptly provide that person with the Title IX coordinator's contact information and inform that person that the Title IX coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the school system's education program or activity. The employee does not need to provide such information if the employee reasonably believes that the Title IX coordinator has already been notified of the student's pregnancy or related conditions.

4. Specific Actions to Prevent Discrimination and Ensure Equal Access

Once a student or student's parent or guardian notifies the Title IX coordinator of the student's pregnancy or related conditions, the Title IX coordinator must coordinate the following specific actions designed to promptly and effectively prevent sex discrimination and ensure access to the school system's education program or activity:

a. provide the student (and, if applicable, the student's parent or guardian) the school system's notice of nondiscrimination on the basis of sex (see policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex);

b. consult with the student in order to offer, based on the student's individualized needs, reasonable modifications to school system policies, practices, or procedures, as necessary, and implement each reasonable modification offered by the school system and accepted by the student;

c. allow the student to voluntarily access any separate and comparable portion of the school system's education program or activity provided that the separate portion is comparable to that offered to students who are not pregnant and who do not have related conditions;

d. allow the student to voluntarily take a leave of absence from the school system education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider and when the student returns following the voluntary absence, reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the absence began; and

e. ensure that the student can access, as needed, a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion by others, and may be used for expressing breast milk or breastfeeding.

Supporting documentation or certifications will not be required unless necessary, reasonable, and legally permissible.

B. EMPLOYEES

The board prohibits discrimination in employment on the basis of current, potential, or past pregnancy or related conditions. Pregnancy or related conditions will be treated as any other temporary medical conditions for all job-related purposes.

1. Reasonable Accommodations for Pregnancy-Related Limitations

In accordance with the Pregnant Workers Fairness Act, qualifying applicants and employees with known limitations related to pregnancy, childbirth, or related

medical conditions will be provided reasonable accommodations, unless the accommodation demonstrably would impose an undue hardship on the operation of the school system. No adverse action will be taken against an applicant or employee for requesting or using a reasonable accommodation.

The superintendent shall ensure that appropriate procedures are in place to implement this requirement.

2. Break Time to Express Milk

After the birth of an employee's child, the employee will be provided reasonable break times to express breast milk for the child or breastfeed as needed for at least one year after the child's birth. The principal at each school and the site supervisor at other school system buildings and facilities will designate a place, other than a bathroom, that the employee may use to express milk or breastfeed. Any designated place must be functional as a space for expressing milk or breastfeeding, shielded from view, and free from intrusion from others.

Legal References: Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act, 29 C.F.R. pt. 1636; Fair Labor Standards Act, as amended, 29 U.S.C. 201, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-375.5

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Equal Educational Opportunities (policy 4001), Attendance (policy 4400)

Adopted: August 16, 2010

Revised: August 19, 2024; August 4, 2025

Reviewed: June 21, 2021

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: **1720/4030/7235**

The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex. Any person may report alleged discrimination on the basis of sex, other than sexual harassment, in a school system program or activity occurring against a person in the United States through the process provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in a school system program or activity occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law.

D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Staff-Student Relations (policy 4040/7310)

Adopted: February 15, 2021

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS

Policy Code: **1725/4035/7236**

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Conduct that involves discrimination or harassment on the basis of sex but that does not meet the definition of sexual harassment prohibited by this policy may nevertheless violate other board policies or established standards of conduct and will be treated accordingly. See, for example, policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, and policy 4040/7310, Staff-Student Relations. Nothing in this policy is intended to limit discipline for violations of other board policies in such circumstances when appropriate and consistent with law. In addition, nothing in this policy is intended to limit reports to law enforcement when warranted.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Sexual harassment prohibited under Title IX and by this policy is conduct *on the basis of sex* occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;

2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;

3. sexual assault, defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI UCR). The FBI UCR classifies as sex offenses (1) any sexual act (i.e., rape, including sodomy and sexual assault with an object, and fondling) directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age and (2) unlawful sexual intercourse (i.e., statutory rape and incest);

4. dating violence, which means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, with the existence of such a relationship determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

5. domestic violence, which includes crimes committed by a current or former spouse or intimate partner of the victim under North Carolina family or domestic violence laws and also includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who (1) is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim; (2) is

cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (3) shares a child in common with the victim; or (4) commits acts against a youth or adult victim who is protected from those acts under North Carolina family or domestic violence laws; or

6. stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

B. DEFINITIONS

The following additional definitions apply in this policy.

1. Report

   A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

   Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

2. Formal Complaint

   A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

   At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

3. Complainant

   The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

4. Consent

   Consent must be informed and freely and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations with the same person do not imply future consent. The fact that both people are in a relationship does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled persons if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other board policy.

5. Respondent

   The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

6. Grievance Process

   Grievance process means the process for investigating and reaching a final

determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy 1726/4036/7237.

7. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

8. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

9. Days

Days are calendar days unless specified otherwise.

10. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

11. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. REPORTING SEXUAL HARASSMENT

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers "actual knowledge" and must be reported immediately:

a. a report of sexual harassment from a student or other person;

b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or

c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies 4040/7310, Student-Staff Relations, and 4240/7312,

Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX coordinator, or the superintendent.

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system's website and in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

D. SCHOOL OFFICIALS' RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of

other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

   Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

   When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

   a. offer supportive measures;

   b. consider the complainant's wishes with respect to supportive measures;

   c. explain that supportive measures are available with or without the filing of a formal complaint; and

   d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:

      i. that a formal complaint will initiate the grievance process described in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process;

      ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;

      iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

      iv. the approximate time frame for concluding the grievance process;

v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy 1726/4036/7237;

vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and

vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be

construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.

The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policy 1726/4036/7237. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 3470/4305, Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The grievance process for formal complaints of sexual harassment under this policy is set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

F. RECORDS

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;

2. that school officials have taken measures that are designed to restore or preserve

equal access to the school system's education program and activities;

3. why school officials believe their response to the report or complaint was not deliberately indifferent; and

4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-335.5

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Alternative Learning Programs/Schools (policy 3470/4305), Staff-Student Relations (policy 4040/7310), Child Abuse and Related Threats to Child Safety (policy 4240/7312)

Adopted: August 19, 2024

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

Policy Code: **1726/4036/7237**

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policy1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

A. DEFINITIONS

All definitions in policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to "sexual harassment" in this policy.

The following additional definitions apply in this policy.

1. Investigator

   The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

   The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

   The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

   Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint

a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct

forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

5. School System's Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.

b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

   Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

   The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

   The complainant and respondent will both be provided a description of the range of supportive measures available to them.

2. Adequate Training

   The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

   Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

   At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

   The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

   Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

   The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

   All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

   School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

   No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION

1. Step 1 – Notice of Allegations

   a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

      i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

         a) the identities of the parties involved, if known;

         b) the conduct allegedly constituting sexual harassment; and

         c) the date and location of the alleged incident, if known;

      ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;

      iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;

      iv. notice of the provision in board policy 4340, School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and

      v. a statement that the respondent is presumed not responsible for the

alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which

the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.

c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.

d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION

The superintendent or designee (hereinafter "superintendent") shall serve as the decision-maker. In his or her role as decision-maker, the superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

1. Step 1 – Student's Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in policy 4370, Student Discipline Hearing Procedures, shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

2. Step 2 – Exchange of Questions and Answers

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in

accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

a. identification of the allegations potentially constituting sexual harassment under board policy;

b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. findings of fact supporting the determination;

d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;

e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;

f. the procedures and permissible bases for the complainant and respondent to appeal; and

g. any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL

The parties shall have the right to appeal to the board of education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

a. procedural irregularity that affected the outcome of the matter;

b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the

individual complainant or respondent that affected the outcome of the matter;

d. the disciplinary sanction is inappropriate or unreasonable; or

e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 2500, Hearings Before the Board, modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940, Classified Personnel: Suspension and Dismissal; or policy 7930, Professional Employees: Demotion and Dismissal, shall also apply as applicable.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.

d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.

c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any

grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

H. INFORMAL RESOLUTION

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:

    a. the allegations;

    b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and

    c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more

time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

I. RETALIATION PROHIBITED

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

J. RECORDS

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:

    a. any determination regarding responsibility;

    b. any audio or audiovisual recording or transcript from any live hearing;

    c. any disciplinary sanctions imposed on the respondent; and

    d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;

2. any appeal and the result therefrom;

3. any informal resolution and the result therefrom; and

4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of*

Education, 526 U.S. 629 (1999)

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), School-Level Investigations (policy 4340), Student Discipline Hearing Procedures (policy 4370), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: February 15, 2021

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms "staff" and "employees" include independent contractors, school safety officers, and volunteers, but do not include student employees or student volunteers.

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.

2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

    a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur and when they will occur;

    b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;

    c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

    d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

    Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

    a. the content, frequency, subject, and timing of the communication(s);

b. whether the communication(s) was appropriate to the student's age and maturity level;

c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;

d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;

e. whether the communication(s) created a disruption of the educational environment; and

f. whether the communication(s) harmed the student in any manner.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;

b. that another employee has engaged in other behavior prohibited by this policy; or

c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this subsection may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 4335, Criminal Behavior.

4. Report to the State Board of Education

In accordance with Section F of policy 7130, Licensure, administrators shall report to the State Board of Education certain misconduct by licensed employees involving a student and resulting in termination of employment, nonrenewal of an employment contract, suspension without pay, disciplinary action, or resignation.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse and Related Threats to Child Safety, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18), -270.35(b), -326.20; 16 N.C.A.C. 6C .0601, .0602, .0604, .0605, .0608; State Board of Education Policies EVAL-014, EVAL-035, LICN-007

Cross References: Governing Principle – Removal of Barriers (policy 1700), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Licensure (policy 7130), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted: June 17, 2019

Revised: January 3, 2010; August 6, 2010; November 23, 2015; February 6, 2017; November 20, 2017; September 2019; June 21. 2021; April 2, 2024; August 4, 2025

The board recognizes the unique circumstances faced by children of military families who are often required to transfer to a new school system because their parents or guardians have a new military assignment. The board also recognizes that children whose immediate family members are deployed by the military may be at increased risk of emotional, psychological, or other harm. The board is committed to supporting these children in the school system and undertaking to serve their unique needs.

A. IDENTIFICATION OF MILITARY-CONNECTED STUDENTS

Each principal shall annually identify all military-connected students enrolled in the school and shall develop a means for serving their unique needs. For purposes of this section, a military-connected student is defined as a student who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

The identification of military-connected students is not a public record subject to public records law.

B. PROVIDING EDUCATIONAL OPPORTUNITY FOR CHILDREN OF MILITARY FAMILIES

The board strives to promote flexibility and cooperation among the school system, parents and guardians, and children of military families, to promote the children's well-being, and to assist these children in achieving educational success when transitioning to their new schools. To achieve these goals, the board has adopted policies consistent with the Interstate Compact on Educational Opportunity for Military Children (hereinafter "Compact") and G.S. 115C-407.12 to facilitate the enrollment of children of military families and to provide continuity in their educational services, including in the areas of education records, immunizations, age requirements for initial entry, course and education program placement, special education services, and extracurricular activities. The superintendent shall adopt procedures necessary to implement the policies and to otherwise comply with the Compact and G.S. 115C-407.12 and to educate employees about the unique needs of children of military families.

1. Definitions

The following definitions apply to all policies and procedures adopted in compliance with the Compact and G.S. 115C-407.12.

a. Active Duty

Active duty is full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on

active duty orders pursuant to 10 U.S.C. 12301 *et seq.* and 10 U.S.C. 12401 *et seq.*

b. Children of Military Families

Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of one of the following:

(1) a member of the uniformed services on active duty;

(2) a member or veteran of the uniformed services who is severely injured and is medically discharged or retired, for a period of one year after medical discharge or retirement;

(3) a member of the uniformed services who died on active duty or as a result of injuries sustained on active duty, for a period of one year after death; and

(4) an inactive member, **but only if** (1) the inactive member is required to move to perform military service–related responsibilities, (2) the move results in a transfer of school systems for the child, and (3) the inactive member presents a copy of the official military transfer order to the school from which services for the child are requested. If the move results in an interstate transfer of the child between the school system and another school system in a different state, the superintendent shall direct school officials to attempt to coordinate with the out-of-state school system on behalf of the child but cannot require the receiving school system to provide specific services.

c. Deployment

Deployment is the period one month prior to the service members' departure from their home station on military orders through six months after their return to their home station.

d. Education Records

Education records are those official records, files, and data directly related to a student and maintained by the school or school system, including but not limited to records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

e. Extracurricular Activities

Extracurricular activities are voluntary activities sponsored by the school or school system or an organization sanctioned by the school system. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

f. Inactive Member

An inactive member is a member of the National Guard or Reserve of any branch of the uniformed services, who is inactive and not on active duty orders pursuant to 10 U.S.C. 12301 *et seq.* or 10 U.S.C. 12401 *et seq.*

g. Member State

A member state is a state that has enacted the Compact.

h. Non-Member State

A non-member state is a state that has not enacted the Compact.

i. Receiving State

The receiving state is the state to which a child of a military family is sent, brought, or caused to be sent or brought.

j. Rule

A rule is a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule.

k. Sending State

The sending state is the state from which a child of a military family is sent, brought, or caused to be sent or brought.

l. Student

The student is the child of a military family for whom the school system receives public funding and who is formally enrolled in kindergarten through twelfth grade.

m. Transition

The transition is (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

n. Uniformed Services

The uniformed services are the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Services.

o. Veteran

A veteran is a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

2. Resolution of Issues

The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or guardians who disagree with a decision pertaining to education records, enrollment or eligibility for enrollment, placement, attendance, extracurricular activities, or graduation of a child of a military family, or a rule, as defined in this policy. In addition, parents or guardians may seek informal resolution of such decisions at any time by contacting the office of the North Carolina Department of Public Instruction (NCDPI) Military Liaison or the North Carolina Commissioner of the North Carolina State Council for the Interstate Compact on Educational Opportunity for Military Children. Specific contact information may be found online at www.dpi.nc.gov/students-families/student-support/nc-supports-military-children or by calling NCDPI at (984) 236-2100.

Legal References: G.S. 115C-12(18)(f), -288(m), -407.5, -407.12

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Student Promotion and Accountability (policy 3420), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Age Requirements for Initial Entry (policy 4100), Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Assignment to Classes (policy 4155), Attendance (policy 4400), Student Records (policy 4700)

Issues: October 15, 2008

Revised: November 1, 2011; February 18, 2013; November 24, 2014; June 14, 2016 (footnotes only); March 20, 2023

Reviewed: June 21, 2021

The board of education requires all students to meet the eligibility requirements for school admission established by the state and the board, including age. Any parent or guardian who is unclear whether a child meets the age requirements is encouraged to contact the superintendent's office or the elementary school that the child is likely to attend.

A. ENTITLEMENT TO INITIAL ENTRY

A child who is presented for enrollment at any time during the first 120 days of a school year will be considered eligible for initial entry in any of the following circumstances.

1. The child reaches or reached the age of five on or before August 31 of that school year.

2. The child resided in another state and was attending school during that school year in accordance with that state's laws or rules prior to moving to North Carolina. (The child does not need to reach the age of five on or before August 31 in this circumstance.)

3. The child did not reach the age of five on or before August 31 of that school year but would be eligible to attend school during that school year in another state in accordance with the laws or rules of that state, and if all of the following apply:

    a. the child's parent is a legal resident of North Carolina who is an active member of the uniformed services assigned to a permanent duty station in another state;

    b. the child's parent is the sole legal custodian of the child;

    c. the child's parent is deployed for duty away from the permanent duty station; and

    d. the child resides with an adult who is a domiciliary of a local school administrative unit in North Carolina as a result of the parent's deployment away from the permanent duty station.

In addition, children of military families, as defined in policy 4050, Children of Military Families, who resided in another state and were attending school during that school year in the other state and who are presented for enrollment at *any point* during the school year will be considered eligible for initial entry even if they did not reach the age of five on or before August 31.

B. DISCRETIONARY ENROLLMENTS

The board may allow a child to be enrolled in either of the following circumstances.

1. The child is presented for enrollment *after* the first 120 days of a school year and meets one of the circumstances specified above for entitlement to initial entry.

2. The child reached the age of four on or before April 16; the child is presented for enrollment no later than the end of the first month of the school year; and the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and has the maturity to justify admission to school. The board regards admission of a four-year-old child to be an extraordinary measure that should not to be used merely because the child is developmentally advanced. In making such a determination, the principal shall follow guidelines established by the State Board of Education.

C. GRADE LEVEL OF INITIAL ENTRY

The initial point of entry will be the kindergarten level. After initial entry, a principal may move the child to the first grade if the principal determines that by reason of maturity, the child may be served more appropriately in the first grade.

D. EVIDENCE OF AGE

When a child is presented for admission for the first time, the principal shall require the parent or guardian of the child to furnish a certified copy of the child's birth certificate or other competent and verifiable evidence of the child's date of birth. Such evidence may include, but is not limited to: (1) a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born; or (2) a certified copy of a birth certificate issued by a church, mosque, temple, or other religious institution that maintains birth records of its members.

A birth certificate or other satisfactory proof of age issued by a foreign country or institution will be accepted and treated in the same manner as comparable documents issued in the United States. School officials shall use such documents only for the purpose of establishing the age of the child and not to inquire about the citizenship or immigration status of the child, parent, or guardian.

For a student who is in foster care or considered homeless, the inability to provide documentation must not prevent immediate enrollment of the student. School officials, or in the case of a homeless student, the homeless liaison, shall immediately contact the last school the student attended to obtain relevant enrollment records or other information needed for enrollment. These officials shall work with the student, the parent or guardian, school personnel, and other agencies as necessary to obtain enrollment information in a timely manner.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 115C-288, -364, -407.5, -407.12; 130A-109; 16 N.C.A.C. 6E.0105; State Board of Education Policy KNEC-001

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125)

Adopted: November 20, 2017

Reviewed: June 21, 2021

Revised: March 20, 2023

IMMUNIZATION AND HEALTH REQUIREMENTS FOR SCHOOL ADMISSION

Policy Code: **4110**

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records may be inspected by officials of the county or state health departments in accordance with state and federal law. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. IMMUNIZATION

1. Requirements for Initial Entry

   Within 30 calendar days of his or her first day of attendance in the school system, each student must show evidence of age-appropriate vaccination in accordance with state law and regulation, including the following vaccines as applicable:

   a. DTaP (diphtheria, tetanus, and pertussis);

   b. poliomyelitis (polio);

   c. measles (rubeola);

   d. rubella (German measles);

   e. mumps;

   f. Haemophilus influenzae, type b (Hib);

   g. hepatitis B;

   h. varicella (chickenpox);

   i. pneumococcal conjugate (only for children entering school before age five); and

   j. any other vaccine as may be required by law or regulation.

   The current required vaccination schedule is available from the N.C. Immunization Branch online at http://www.immunize.nc.gov/.

2. Additional Requirements

a. All students entering seventh grade or who have reached age 12, whichever comes first, are required to receive the following:

i. booster dose of Tdap (tetanus, diphtheria, and pertussis vaccine), if they have not previously received it; and

ii. the meningococcal conjugate vaccine (MCV).

b. All students entering the twelfth grade or who have reached age 17 are required to receive a booster dose of MCV.

3. Certificate of Immunization

a. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b).

b. Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.

c. Exceptions to the immunization requirements will be made only for religious reasons or for medical reasons approved by a physician pursuant to state law and regulation.

B. HEALTH ASSESSMENT/VISION SCREENING

Within 30 calendar days of the first day of school entry, all students entering public schools for the first time, regardless of grade level, must furnish to the principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to G.S. 130A-440. A student who fails to meet this requirement will not be permitted to attend school until the required health assessment form has been presented. Such absences will not be considered suspensions, and the student will be given an opportunity to make up work missed during the absence as described below. The principal or designee shall, at the time of enrollment, notify the parent, guardian, or person standing *in loco parentis* that the completed health assessment form is needed on or before the child's first day of attendance. The date the student's health assessment form is received will be recorded in the student's official record, and the form will be maintained on file in the school.

The assessment must include a medical history and physical examination with screening

for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist, or a vision screener certified by Prevent Blindness North Carolina.

Children who receive and fail to pass the required vision screening must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school solely for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

Upon request, the teacher(s) of a student subject to an absence from school for failure to provide the health assessment form required by this section shall provide to the student all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignments. The principal or designee shall arrange for the student to take home textbooks and school-furnished digital devices for the duration of the absence and shall permit the student to take any quarterly, semester, or grading period examinations missed during the absence period.

C. HOMELESS STUDENTS

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. FOSTER CHILDREN

Notwithstanding the provisions of this policy, admissions for students in foster care will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The enrolling school will immediately contact the

school last attended by the foster child to obtain any relevant documentation.

E. CHILDREN OF MILITARY FAMILIES

The board acknowledges that immunization requirements for newly enrolling children of military families are governed by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and G.S. 115C-407.12. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 115C-390.2(l), -407.5, -407.12; 130A-152 to -157, -440 to -443; 10A N.C.A.C. 41A .0401

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125), Attendance (policy 4400)

Other Resources: N.C. Immunization Branch, available at http://www.immunize.nc.gov/

Adopted: February 6, 2017

Reviewed: June 21, 2021

Revised: August 8, 2022; March 20, 2023; April 2, 2024

BEHAVIOR STANDARDS FOR TRANSFER STUDENTS

Policy Code: **4115**

This policy applies to transfer students seeking admission to the school system. Transfer students are students who have been enrolled in or who have attended a private school or a public school in this state or another state.

In accordance with state law, the student's parent, guardian or custodian must provide a statement made under oath or affirmation before a notary indicating (1) whether at the time of the admission request the student is under suspension or expulsion from attendance at a private or public school in this or any other state and (2) whether the student has been convicted of a felony in this or any other state.

STUDENTS UNDER SUSPENSION/EXPULSION OR CONVICTED OF A FELONY

If at the time of the admission request the student is under a suspension or an expulsion or has been convicted of a felony, the parent, guardian or custodian must provide to the school system all requested information related to the conduct. The superintendent or designee shall review the information and make a recommendation to the board as to whether the student should be admitted and, if so, whether any reasonable conditions should be imposed.

1. Suspension: The board may deny admission to a student who is under a suspension for conduct that could have led to a suspension from a school within the school system. Admission may be denied until the suspension has expired.

2. Expulsion: The board may deny admission to a student who has been expelled from a school pursuant to G.S. 115C-390.11 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or employees. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.

3. Felony Conviction: The board may deny admission to a student who has been convicted of a felony in this state or any other state. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.

In any of the above-described circumstances in which admission may be denied, the board alternatively may place reasonable conditions on the admission of the student. Such conditions include, but are not limited to, behavior contracts, alternative school placement and limits on free time and extracurricular activities. Drug testing and weapon searches also may be reasonable conditions so long as they meet any constitutional requirements.

Notwithstanding the provisions of this policy, students under a suspension or an expulsion who have been identified as having a disability pursuant to the Individuals with Disabilities Education Act and otherwise meet the requirements for enrollment in the school system are entitled to services to the extent mandated by federal and state law.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; G.S. 115C-366(a3), (a4), (a5), -390.5, -390.7, -390.10, -390.11, -390.12

Cross References: Discretionary Admission (policy 4130)

Adopted: August 15, 2011

Reviewed: June 21, 2021

A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation and who otherwise qualifies for admission, is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition. In addition, students who are homeless or in foster care may be entitled to continue attending their school of origin without payment of tuition regardless of a change in their domicile or residency status.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are "grandfathered" into the system under subsection C.6, below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See Section C, below.)

A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students Generally

   The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian, or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

   If a student is at least 18 years of age, is married, or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian, or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and is entitled to the same rights and privileges of other students domiciled in the school system.

3. Domicile of Students with Divorced or Separated Parents

   Domicile for the purpose of school admission and assignment will be determined by the following criteria.

a. In the event that a student's parents are divorced or separated and physical custody has been given to only one parent, the student's domicile follows that of the parent who has been granted physical custody.

b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's system of residence, then the parents must jointly agree on which residence will be used to determine the student's domicile. The selected residence must be submitted in writing to the superintendent.

c. The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and releases.

d. In the event that the parents cannot agree on which residence will be used to determine the student's domicile for school assignment purposes, school officials shall assign the student according to the residence of the parent with physical custody of the student at the beginning of each school year.

C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the system in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned in accordance with policy 4125, Homeless Students.

2. The parent, guardian, or legal custodian residing in the school system attendance area is a student, employee, or faculty member of a college or university or is a visiting scholar at the National Humanities Center.

3. The student resides in a group home, foster home, or other similar facility or institution.

4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

5. The parent, guardian, or legal custodian residing in the school system attendance area is on active military duty and is assigned by official military order to a military installation or reservation in North Carolina.

6. The student is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities* and the child was (a) enrolled in the school system on the last day of school for the 2006-07 school year or (b) enrolled in and attending a school in the school system on August 1, 2007, for the 2007-08 school year, so long as the child lives within and is continuously enrolled in the system.

7. The student resides with an adult who is a domiciliary of the school system as a result of any of the following.

   a. The death, serious illness, or incarceration of the child's parent or legal guardian.

   b. The abandonment by the child's parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.

   c. Abuse or neglect by the parent or legal guardian.

   d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.

   e. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health.

   f. The loss or uninhabitability of the student's home as the result of a natural disaster.

   g. The parent or legal guardian is one of the following: (1) a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (2) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty (but only for a period of one year after the death of the parent or guardian). Assignment under this subsection is only available if some evidence of the medical discharge, retirement, or death is tendered with the affidavits required under G.S. 115C-366.

   h. The parent or legal guardian is on active military duty, not including periods of active duty for training for less than 30 days, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent him or her from physically residing with the student. Assignment under this subsection is only available if the signed letter from the commanding

officer is included with the affidavits required under G.S. 115C-366, and the commanding officer indicates the time period that such military orders will be in effect.

In order to be admitted under this provision, the student may not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, unless the student is identified as eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*, and evidence of such eligibility is tendered with the affidavits described below.

The adult with whom the student resides and the student's parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available from the superintendent's office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

D. REMOTE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

A student who is not domiciled in the school system attendance area is permitted to enroll by remote means, including electronic means, prior to commencement of the student's residency in the school system attendance area if all of the following apply.

1. The student's parent or legal guardian is on active military duty and is transferred or pending transfer pursuant to an official military order to a military installation or reservation in North Carolina.

2. Upon request by the school system, the parent or legal guardian provides a copy of the official military order transferring to the military installation or reservation.

3. The parent or legal guardian completes and submits the school system's enrollment forms and documentation, except that proof of residency and documentation related to disciplinary actions required under policy 4115, Behavior Standards for Transfer Students, will not be required until the student transfers into the school system.

The school system will make available to a student who registers to enroll pursuant to this section the same opportunities available to a domiciled student, such as requesting or applying for school assignment, registering for courses, and applying for any other programs that require additional request or application. A student enrolled pursuant to this section may not attend school until proof of residency is provided.

E. PARTICIPATION IN JROTC BY HOME SCHOOL STUDENTS

A home school student who resides within the assignment area of a school that maintains a Junior Reserve Officers' Training Corps (JROTC) unit shall be permitted membership in the JROTC unit of the school without regard to domicile if the student is otherwise qualified for membership but for lack of enrollment in the school.

F. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

G. APPEAL OF ADMISSION DECISIONS

Within 10 working days of receiving all of the information required under this policy, the superintendent or designee shall provide a written decision to the applicant for admission to the school system. The superintendent's decision regarding admission of the student may be appealed to the board in accordance with subsection E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: 10 U.S.C. 2031(g); Elementary and Secondary Education Act, 20 U.S.C. 6303 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to -13.3; 115C-106.2, -106.3, -107.6, -108.1(a), -366, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000, available at http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Behavior Standards for Transfer Students (policy 4115), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: November 20, 2017

Reviewed: June 21, 2021

Revised: August 8, 2022

RELEASE OF DOMICILIARY STUDENTS

Policy Code: 4121

The board may approve or deny requests for the release of any student domiciled in the school district to attend a public school in another local school administrative unit. A release may be granted for up to one full school year. An application for release must be submitted each subsequent year in which a release is desired.

A. CRITERIA FOR RELEASE OF STUDENTS

A domiciliary student may, at the discretion of the board, be released to attend school in another school district if the following conditions are met:

1. The parent, legal guardian, or legal custodian must submit a written application for release to the superintendent. Application forms will be available at the district administrative office and at each of the district's schools.

2. The parent, legal guardian, or legal custodian must include with the application for release a written statement which explains why, in the opinion of the parent, legal guardian, or legal custodian, the student needs to attend school in another school district. Any reason having to do with athletics or participation in athletics is not a valid or sufficient explanation of need.

3. The board has determined that release to another school district is in the best interest of the student.

4. The parent, legal guardian, or legal custodian has agreed to accept responsibility for providing transportation to the school in another school district.

B. RESCINDMENT/RENEWAL OF RELEASE

Release to another school district may be granted for up to one full school year based upon the information contained in the application and supporting documentation. Domiciliary students who are released based upon false or misleading information on the application may have the application voided and the release rescinded.

The superintendent is authorized to renew in subsequent years the release of any student previously released by the board, provided that all criteria for release continue to be met. The superintendent shall report to the board each year the names of all students whose applications for release have been renewed.

C. APPEAL OF RELEASE DECISIONS

The superintendent is authorized to act on each application for release as soon as practicable after receipt of the information required by this policy. A decision to deny

release by the superintendent may be appealed to the board, provided that a written request for appeal is received in the office of the superintendent within ten working days following notification of denial. The board will schedule a hearing with the parents or guardians to consider the appeal within thirty days of receipt of the appeal request.

Legal References:

Cross References:

Adopted: October 18, 2010

Reviewed: June 21, 2021

As required by the North Carolina Constitution and North Carolina law, the board of education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age located within the area served by the school system, encourage their enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced price school meals, services for English learners, special education, career and technical education (CTE), academically or intellectually gifted (AIG) services, and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. DEFINITION OF HOMELESS STUDENTS

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term "homeless student" will also be deemed to include the term "unaccompanied youth," which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship, or a similar reason;

2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

3. living in emergency or transitional shelters;

4. abandoned in hospitals;

5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;

6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular, and adequate nighttime residence.

B. ENROLLMENT, ASSIGNMENT, AND TRANSPORTATION OF HOMELESS STUDENTS

1. Enrollment

   a. Eligibility

      Notwithstanding the enrollment eligibility requirements established by the board elsewhere in policy, school personnel shall immediately enroll homeless students even if they do not have proof of residency, school and immunization records, birth certificates, or other documents; have missed application or enrollment deadlines during a period of homelessness; have outstanding fees; or are not accompanied by an adult. The homeless liaison shall assist the students and parents or guardians in securing appropriate records or otherwise meeting enrollment requirements.

   b. Records

      Homeless students transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

   Information regarding a child or youth's homeless situation must be treated as a student record and protected accordingly. See policy 4700, Student Records.

2. Assignment

   A homeless student (or the student's parent or guardian) may request to attend (1) his or her school of origin or (2) any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless not in the student's best interest, a homeless student who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

   The superintendent shall designate the director of student assignment or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision must be based upon consideration of student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education,

health, and safety of homeless students, giving priority to the request of the student's parent or guardian or the unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth.

If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian or unaccompanied youth, he or she must provide a written explanation of the reasons for the determination to the parent or guardian or unaccompanied youth, along with information regarding the right to appeal the placement decision as described in Section D, below.

3. Transportation

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent or guardian's request (or at the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison shall coordinate homeless students' transportation needs, based on the child's best interest. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his or her school of origin, the board will provide transportation to the student for the remainder of the school year.

C. ELIGIBILITY FOR TITLE I SERVICES

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director shall collaborate to identify the needs of homeless students.

D. DISPUTE RESOLUTION PROCESS

A parent, guardian, or unaccompanied youth who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student who is homeless (hereinafter, referred to as a "complainant") may appeal the decision to the school system's homeless liaison in accordance with this section upon registering or attempting to register the child or youth at the school in which enrollment is sought.

Any employee who is aware that an unaccompanied youth or a parent or guardian of a homeless student is dissatisfied with a decision of school officials with regard to

eligibility, school selection, or enrollment should immediately refer that individual to the school system's liaison for homeless students.

As used in this section, "school days" means days when students are scheduled to be in attendance.

1. Notice, Stay Put, and Informal Resolution

   Upon learning of a complainant's disagreement with a decision of school officials, the homeless liaison shall take the following actions.

   a. The homeless liaison shall arrange to have the student immediately admitted to the school in which enrollment is sought (either the school of origin or the school located in the attendance zone of the student's temporary residence) if enrollment is at issue. Once enrolled, the student must receive all services for which he or she is eligible and must be allowed to participate fully in school activities, pending resolution of the dispute.

   b. Immediately, but not later than one school day after learning of the complainant's disagreement, the homeless liaison shall provide the complainant a copy of the school system's uniform statement of rights and procedures that is written, to the extent practicable, in a language that the complainant can understand. The written statement must include all of the following:

      1) contact information, including telephone number, e-mail address, and physical address of the homeless liaison and of the State Coordinator for homeless education, with a brief description of their roles;

      2) notice that, within two school days of the school's decision, the complainant has the right to notify the homeless liaison that the complainant intends to appeal the decision;

      3) an explanation of the appeal procedure, including the timeline and process for making the initial appeal and for pursuing a subsequent appeal to the superintendent and board, as provided by this policy;

      4) a simple complaint form that a complainant can complete and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and board;

      5) notice that the board of education or a designated panel of the board will make the final decision on behalf of the school system;

6) notice of the right to appeal the final decision of the school system to the State Coordinator within three school days and the option to request an extension from the State Coordinator, along with a step-by-step description of how to file the appeal;

7) notice of the right to enroll immediately in the school located in the assignment area of the student's temporary residence or remain in the school of origin with transportation provided pending resolution of the dispute if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;

8) notice that immediate enrollment includes full participation in all school activities;

9) notice of the right to obtain assistance of advocates or attorneys; and

10) notice of the right to provide supporting written or oral documentation during the appeals process.

c. The homeless liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the homeless liaison when possible.

d. If informal resolution is unsuccessful, the homeless liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection D.2, below.

e. If the complaint initiates the dispute resolution process, the homeless liaison shall expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

2. Steps in the Dispute Resolution Process and Related Timelines

a. Homeless Liaison Review

i. If informal resolution of a complaint is unsuccessful, the complainant may initiate the dispute resolution process by making a formal appeal to the homeless liaison, either directly or through the principal of the school in which enrollment is sought. The appeal must be presented within five school days of the decision giving rise to the complaint unless the homeless liaison agrees to an extension of up to five additional school days for good cause.

ii. The appeal may be made orally or in writing on the designated complaint form. If the complainant makes an oral appeal, the homeless liaison shall complete the written complaint form on the complainant's behalf without delay.

iii. The complaint should include the date of the filing, a description of the disputed action pertaining to eligibility, school selection, or enrollment, the name of the person(s) involved, and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.

iv. The local liaison shall inform the superintendent, other appropriate school officials, and the State Coordinator of the dispute immediately after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.

v. Within two school days after receiving the formal complaint, the homeless liaison shall provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

b. Appeal to the Superintendent of the Liaison's Decision

i. Within two school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response of the liaison.

ii. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

iii. Within four school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

c. Appeal to the Board of the Superintendent's Decision

i. If the complainant is dissatisfied with the superintendent's decision, he or she may file an appeal with the board of education within two days.

ii. The appeal may be filed orally or in writing using the form designated for this purpose. Oral appeals must be made to the

homeless liaison, who shall commit the appeal to writing on the designated form.

iii. The board or a panel of at least two board members acting on behalf of the board will hear the appeal. The board or board panel will provide the complainant with a written decision within five school days of receiving the appeal. In unusual circumstances the board or board panel may extend this time but will avoid exceeding the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received.

iv. The board or board panel's decision will constitute the final decision of the school system for purposes of the complaint's right to appeal to the State Coordinator.

v. If the matter under appeal is a school assignment, a board panel decision will be a recommendation that must be submitted to the full board for a final determination as required by state law and policy 4150, School Assignment. However, in order to ensure an expedited appeals process for students who are homeless, the recommendation of the board panel shall be considered the final decision of the board for purposes of appeal to the State Coordinator if a final determination by the full board reasonably cannot be accomplished by the deadline described in the previous paragraph.

vi. The written statement of the final decision will include the name and contact information of the State Coordinator for homeless education and will describe the appeal rights to the State Coordinator. If the matter under appeal is a school assignment and the appeal was not heard by the full board, the written decision will also note that review of the matter by the full board as required by state law is pending.

d. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the decision of the board or board panel, he or she may file an oral or written appeal with the State Coordinator for homeless education within three school days of receiving the board or panel's decision. The State Coordinator will issue a final decision on the complaint. The appeal must include:

i. the name, physical address if available, e-mail address, and telephone number of the complainant;

ii. the relationship or connection of the person to the child in question;

iii. the name of the school system and the specific school in question;

iv. the federal requirement alleged to have been violated;

v. how the requirement is alleged to have been violated; and

vi. the relief the person is seeking.

Within three school days following a request from the State Coordinator, the homeless liaison shall provide the record of complaint, a copy of the board or panel's decision, and any other supporting documents necessary to complete the record.

E. HOMELESS LIAISON

The superintendent or designee shall appoint and train a school employee to serve as the homeless liaison. In addition to the duties specifically assigned elsewhere in this policy, the homeless liaison's duties shall include, but not be limited to, the following:

1. ensuring that school personnel identify homeless children and youth;

2. ensuring school/preschool enrollment of and opportunities for academic success for homeless children and youth;

3. ensuring that homeless families and children have access to and receive educational services for which they are eligible;

4. ensuring that homeless families and children receive referrals to healthcare, dental, mental health and substance abuse, housing, and other appropriate services;

5. informing parents or guardians and any unaccompanied youth of available transportation services and helping to coordinate such services;

6. ensuring that public notice of the educational rights of homeless students is disseminated in locations frequented by parents or guardians and unaccompanied youth;

7. informing parents or guardians of educational and related opportunities available to their children and ensuring that parents or guardians have meaningful opportunities to participate in their children's educations;

8. communicating the dispute resolution process to parents, guardians, and unaccompanied youth experiencing homelessness;

9. helping to mediate enrollment disputes, including ensuring that a homeless child or youth is enrolled immediately pending final resolution of the dispute;

10. developing a uniform written notice that explains to parents, guardians, and unaccompanied youth their rights and the process for appealing a decision of school officials, as required by subsection D.1.b of this policy. The notice must be written in a simple and understandable format and translated to other languages as needed and practicable;

11. ensuring that when parents, students, and unaccompanied youth initiate the dispute resolution process, all parties comply with the dispute resolution policy and that parents, students, and unaccompanied youth are provided with the information listed in subsection D.1.b of this policy;

12. informing unaccompanied youth of their status as independent students and assisting in verifying such status for the purposes of the Free Application for Federal Student Aid;

13. ensuring that school personnel providing services to homeless students receive professional development and other support;

14. working with school personnel, the student, parents or guardians, and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and

15. working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq*.; *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 115C-366(a2), -369; 16 N.C.A.C. 6H .0112; State Board of Education Policies SBOP-020, SPLN-000

Cross References: Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150), Student Records (policy 4700)

Adopted: August 16, 2010

Revised: November 20, 2017; December 14, 2018
Reviewed: June 21, 2021

Enrollment in the school system generally is limited to those students who meet the domicile or residence requirements outlined in policy 4120, Domicile or Residence Requirements. However, on occasion, special circumstances may warrant a student's enrollment in a different school system. The board, in its discretion, may admit non-domiciled students into the school system and may release domiciled students to another school system in accordance with this policy.

All discretionary admissions decisions will be made in a manner that is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons.

A. ADMISSION CRITERIA

The board may choose to admit a non-domiciled student only if the following conditions are met.

1. The parent, legal guardian, or legal custodian explains in writing why, in the opinion of the parent, legal guardian, or legal custodian, the student needs to attend school in the school system. An explanation of need will be considered valid grounds for discretionary admission only if there are compelling, specific circumstances indicating that the student should attend school in the school system.

   Any reason having to do with athletics or participation in athletics is not a valid or sufficient explanation of need.

2. The board must have determined that space is available in the school system and in the particular school or program in which the student seeks to enroll.

3. The student must demonstrate that he or she was in good standing in the previous school attended by that student, in terms of academics, discipline, and other measures of standing and progress in the school system. The student also must satisfy the requirements in policy 4115, Behavior Standards for Transfer Students.

4. The student must furnish a transcript and other student record data, including evidence of compliance with the North Carolina immunization requirements.

5. If the student is transferring from another school system in North Carolina, the student must submit a release approved by the board of education of the school system from which the transfer is being made. If the student's discretionary admission request is granted, the admission will be subject to the terms and conditions agreed to in writing between the board and the board of education of the other school system.

6. If the student resides with an adult who is not the student's parent, legal guardian,

or legal custodian, the student must furnish the school system with a notarized document showing that the parent, legal guardian, or legal custodian consents to the student attending school in the school system and authorizes the adult with whom the student lives to make all decisions relating to the student's education, including, but not limited to, any decisions relating to placement, services, field trips, medical treatment, grading and reporting, discipline, participation in extracurricular activities, and participation in athletics.

7. If the student does not reside within the assignment area of the school the student will attend, the parent, legal guardian, or legal custodian must agree to provide transportation to and from school.

8. If the student is asserting residency in the geographic area served by the school system, sufficient evidence, such as a copy of utility bills, must be provided.

9. The parent, legal guardian, or legal custodian must agree to pay tuition if required by policy 4135, Tuition for Discretionary Admissions.

B. DISCRETIONARY ADMISSION DECISIONS

1. Application and Decision

Non-domiciled students who meet the admission criteria may submit a written application for discretionary admission to the superintendent or designee. The application must be accompanied by all required supporting documents, as described above in Section A. Applications from students who are residents of the geographic area served by the school system will have first priority. After reviewing the application and supporting documents, the superintendent or designee shall make a recommendation to the board to approve or deny the discretionary admission request. The board may grant admission for up to one full school year. Students who are admitted based upon false or misleading information on their application will have their application voided and acceptance rescinded.

The board will provide a written response to an applicant within 30 working days of receipt of the information required under this policy. Final decisions regarding discretionary admissions may be delayed until the board has determined whether space is available in the requested school. Therefore, the written response may provide either a final decision or a notification that a final decision is pending until the board determines space availability.

2. Renewals

An application must be submitted each subsequent school year in which admission is desired. For the renewal of admission in subsequent school years, the student must continue to meet all admission criteria and be in good standing in

terms of academics, attendance, and discipline.

C. RELEASE TO ANOTHER SCHOOL SYSTEM

A student domiciled in the school system may request a release from the board to attend a school in a different school system in North Carolina. The student must have both approval of the board to release the student and approval of the receiving board of education to admit the student. The decision whether to admit the student is made under the policies of the receiving board of education.

The superintendent or designee may develop and administer a procedure to implement this policy.

Legal References: G.S. 7B, art. 35; 35A, art. 6; 50-13.1 to 13.3; 115C-47(68), -231, -364 to -366.1

Cross References: Behavior Standards for Transfer Students (policy 4115), Domicile or Residence Requirements (policy 4120), Tuition for Discretionary Admissions (policy 4135)

Adopted: August 16, 2010

Revised: April 2, 2024

Reviewed: June 21, 2021

CULTURAL EXCHANGE AND NON-IMMIGRANT STUDENTS

Policy Code: 3103/4131

The board recognizes the educational value of bringing together students of different cultural backgrounds and thus encourages participation in cultural exchange programs. The superintendent is authorized to admit for up to one year students domiciled in foreign countries who are participating in bona fide cultural exchange programs recognized by the United States Department of State. Tuition fees authorized in policy 4135 will not apply to students admitted as part of a cultural exchange program.

Students domiciled in foreign countries who are not participating in a cultural exchange program may apply for admission to the school district under the same terms and conditions as other non-domiciled students as provided in policy 4130, Discretionary Admissions, and in accordance with federal laws governing non-immigrant students. The tuition fee for non-immigrant students will be equal to the total per capita unsubsidized cost of providing the educational program.

A cultural exchange or non-immigrant student may be awarded a diploma or other exit document from the school, provided that the student satisfies all requirements outlined in policy 3460, Graduation Requirements, and successfully completes the following courses while enrolled in the school district: English III, English IV, U.S. History, and Economic/Legal/Political Systems.

Strategic Priorities: High Student Achievement; Effective and Efficient Operations (policy 1100)

Legal References: G.S. 8 U.S.C. § 1372; The Illegal Immigrant and Immigrant Responsibility Act of 1997.

Cross References: Discretionary Admissions (policy 4130)

Adopted: April 17, 2000

Reviewed: August 16, 2010, May 17, 2021

TUITION FOR DISCRETIONARY ADMISSIONS *Policy Code:* **4135**

Unless provided otherwise in this policy, tuition will be charged to students admitted under policy 4130, Discretionary Admission, if the students (1) are not domiciled in the State or (2) are domiciled in the State and residing outside of the school system boundaries. Tuition may not exceed the local per pupil allocation for current expense as provided by the board of commissioners. The tuition rate will be determined annually by the board no later than August 1.

Tuition may be waived if a student meets one of the following criteria:

1. the student is admitted to the school system pursuant to an agreement between this board and another board of education, and the agreement specifies that the payment of tuition by the student will not be required;

2. the student resides on a military base within North Carolina;

3. the student demonstrates extraordinary financial hardship;

4. the student is a nonresident whose parents will move into the school administrative unit on or before December 1, and the student is assigned at the beginning of the school year to the school serving the student's future domicile;

5. the student was domiciled within the school administrative unit at the beginning of the school year and remains enrolled in the school system for the duration of the school year after moving into another school administrative unit during the school year; or

6. the student's parent(s) are employed by the school system.

In addition, no tuition will be charged to:

1. students residing on military bases within North Carolina where federal funds designed to compensate for the impact on public schools of military dependent students are provided to the school system in an amount not less than 50 percent of the total per capita cost for education, exclusive of capital outlay and debt service; or

2. students who are domiciliaries of the State and who reside within the school administrative unit. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition by that board.

Legal References: G.S. 115C-366, -366.1

Cross References: Discretionary Admission (policy 4130)

Adopted: February 6, 2017

Revised: June 21, 2021

A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school assignment areas for the schools in the system.

The assignment areas will be developed in accordance with applicable legal requirements, the need to serve all school-age children who live in the school system, and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

The superintendent shall review periodically the assignment areas and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

The superintendent or designee shall assign students to particular schools in accordance with the following standards.

1. Students Admitted Based on Domicile

   Except as otherwise provided in this policy, students admitted to the school system based on domicile will be assigned to the school of the appropriate grade span within the assignment area of the student's domicile (or residence location if the student is exempted from the domicile requirement, as described in policy 4120, Domicile or Residence Requirements).

2. Students Accepted for Discretionary Admission

   Students who are accepted for discretionary admission under policy 4130, Discretionary Admission, will be assigned to a school that meets the best interest of the student and the orderly and efficient administration of the school system.

3. Homeless Students and Students in Foster Care

   Notwithstanding any other provisions of this policy, the superintendent or designee shall (1) assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students; and (2) assign students in foster care to their school of origin unless contrary to their best interest, as required by federal law.

4. Students Participating in the Address Confidentiality Program

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

5. Students with Disabilities

Students with disabilities receiving services under an Individualized Education Program (IEP) or Section 504 plan will be assigned to schools in accordance with this policy unless the superintendent or designee determines the student needs a different assignment to provide access to a program or service required under the IEP or Section 504 plan, as determined by the student's IEP or Section 504 team.

6. Administrative Assignment

The superintendent or designee may administratively assign a student to a school other than the one to which the student would otherwise be assigned under this policy when deemed in the best interest of the student and/or the effective administration of the schools, such as for reasons related to student safety, discipline, or programmatic issues, or when required by law.

7. Assignment to Alternative Program or School

Students will be assigned to an alternative education program or school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

8. Admission to Magnet Schools or Other Schools of Choice

Students may apply for admission to one of the school system's magnet schools or other schools of choice. Unless otherwise established by the board for specific programs, admission decisions for magnet schools will take into account the following criteria:

a. maintaining a socioeconomic, geographic, and student achievement diversity that is reasonably reflective of the school system as a whole;

b. efficient use of school facilities and transportation resources;

c. any program criteria that must be met by the student for admission to the particular school;

d. enabling siblings to attend the same school; and

e. hardship on the student or parent that has been documented by the parent.

C. REQUESTS FOR REASSIGNMENT

A parent or guardian who is dissatisfied with a school assignment may request reassignment to a different school as provided below. The superintendent or designee shall have the authority to approve or deny requests for reassignment for satisfactory reasons as established by the superintendent and communicated to students and parents and guardians. A reassignment request denied by the superintendent or designee may be appealed to the board in accordance with subsection C.2, below.

1. Procedure for Requesting Reassignment

   A request for reassignment must be submitted in writing to the superintendent or designee within the school system's established school reassignment window or within 10 days of receiving notice of the school assignment. The request must specify why reassignment is sought. An untimely request for reassignment will be treated as a transfer request under Section D.

   The superintendent or designee shall consider the request for reassignment and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested, and the instruction, health, and safety of the pupils there enrolled. The parent will be notified via registered or certified mail if the superintendent or designee denies the request. If the parent is dissatisfied with the superintendent's or designee's response, the parent may appeal the decision to the board as provided below.

2. Appeal to the Board When Reassignment Request Is Denied

   Within five days of receiving notice that a request for reassignment was denied, the parent or guardian may request a hearing on the request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health, and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

   Students whose legal residence changes from one school assignment area to another within the school system during the same school year may choose to

finish out that school year in the same school or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.

2. Unsafe School Choice Transfer under the Elementary and Secondary Education Act

   Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. Transfer of Homeless Students

   Students who become homeless between academic years or during an academic year may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student's best interest. (See policy 4125, Homeless Students.)

4. Transfer of Students in Foster Care

   Students who are assigned to foster care between academic years or during an academic year will remain in their school of origin unless remaining in the school of origin is not in the best interest of the student. The best interest of the student will be decided based on all relevant factors, including consideration of the appropriateness of the educational setting and proximity to the school in which the child is enrolled at the time of placement in foster care.

5. Other Transfers

   The superintendent shall consider student requests for transfer to another school during the school year based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations, and other criteria established by the superintendent.

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

The following conditions apply in regard to any reassignments or transfers made in accordance with Sections C and D of this policy.

1. The parent or guardian is responsible for transportation (except for reassignments or transfers of homeless students or students in foster care based on the student's best interest, for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).

2. The transfer or reassignment is valid for no more than one school year (except for (a) unsafe school choice transfers, for which the length of assignment will be consistent with legal requirements and policy 4152; (b) homeless student transfers or reassignments for which the length of assignment will be consistent with legal requirements and policy 4125; and (c) transfers or reassignment of students in foster care, for which the length of assignment will be consistent with legal requirements).

3. Any transfer or reassignment request that is approved based upon false or misleading information will be declared void and will be rescinded.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016) and *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016), both available at https://www2.ed.gov/policy/elsec/leg/essa/index.html; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at https://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln; G.S. 15C-8; 115C-36, -47(68), -366, -367, -369; State Board of Education Policy SSCH-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), Discretionary Admission (policy 4130), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: February 6, 2017; February 5, 2018

Revised: June 21, 2021; April 2, 2024

The board is committed to providing an environment at each school that is safe, orderly, and inviting. The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment).

Pursuant to federal and State Board of Education requirements, the board will allow a student who attends a school designated as a persistently dangerous school or a student who becomes the victim of a violent criminal offense at his or her school to attend another school that the superintendent has identified as an eligible transfer school.

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Violent Criminal Offenses

   Violent criminal offenses are the following crimes, which must be reported to the State Board of Education in accordance with State Board of Education Policy SSCH-000:

   a. homicide as defined in G.S. 14-17 and 14-18;

   b. assault resulting in serious bodily injury as defined in G.S. 14-32.4;

   c. assault involving use of a weapon as defined in G.S. 14-32 through 14-34.10;

   d. rape as defined in G.S. 14-27.21, 14-27.22, 14-27.24, and 14-27.25;

   e. sexual offense as defined in G.S. 14-27.26, 14-27.27, 14-27.29, and 14-27.30;

   f. sexual assault as defined in G.S. 14-27.33 and 14-33(c)(2);

   g. kidnapping as defined in G.S. 14-39;

   h. robbery with a dangerous weapon as defined in G.S. 14-87; and

   i. taking indecent liberties with a minor as defined in G.S. 14-202.1, 14-202.2, and 14-202.4.

2. Persistently Dangerous School

   A persistently dangerous school is a school in which:

a. at least two violent criminal offenses were committed with a rate of five or more such offenses per 1000 students during each of the two most recent school years; and

b. the conditions that contributed to the commission of such offenses are determined by the State Board of Education as being likely to continue into another school year.

3. Eligible Transfer School

An eligible transfer school is a school that is not designated as a persistently dangerous school, that offers instruction at the student's grade level, and that the superintendent has identified as eligible for unsafe school choice transfer.

B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES

Upon the commission of any violent criminal offense on school property or off school property on a school-sponsored field trip, the principal and the school improvement team shall review the incident to determine whether any conditions or procedures at the school or in the school improvement plan need to be modified as a result of the incident. The principal shall provide a report of the review to the superintendent or designee.

C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS

1. Conditions Contributing to the Commission of Violent Criminal Offenses

For any school in which at least two violent criminal offenses and five or more such offenses per 1000 students were committed on school property during each of the two most recent school years, the board will determine whether any changes need to be made in the school- or system-level school safety procedures. The superintendent shall report to the State Board of Education any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans that the board has to eliminate such conditions.

2. Probationary Schools

If the State Board of Education determines that a school should be placed on probation, during the probationary year the principal and school improvement team shall implement strategies to protect students from violent criminal offenses and to deter future offenses from occurring. Such strategies must be incorporated into the school improvement plan. As necessary, the superintendent may request assistance from the Department of Public Instruction to help identify strategies for implementation.

3. Persistently Dangerous Schools

If the State Board of Education determines that a school is a persistently dangerous school, the superintendent shall assign personnel from the central office to review safety procedures at the school. The central office team also shall assist the school with creating and implementing a corrective action plan for the school. The corrective action plan should be based on an analysis of the problems at the school, should include strategies to improve safety at the school, and should identify any system-level policies and procedures that need to be modified. Any strategies identified for the corrective action plan should be incorporated into the school improvement plan.

Pursuant to the unsafe school choice transfer procedures provided below, a student who attends a persistently dangerous school will be allowed to transfer to another school that the superintendent has designated as an eligible transfer school.

As deemed appropriate, the board will pursue any appeals process available for review of a school's designation as probationary or persistently dangerous.

D. VICTIM OF A VIOLENT CRIMINAL OFFENSE

A student shall be considered the victim of a violent criminal offense when the following criteria are met:

1. the principal determines, based upon reasonable evidence, that the student has been the victim of any of the applicable offenses identified in this policy; and

2. the offense occurred while the student was on the grounds of the public school that he or she attends.

Pursuant to the unsafe school choice transfer procedures provided below, a student who is a victim of a violent criminal offense shall be allowed to transfer to another school that the superintendent has designated as eligible for transfer.

E. UNSAFE SCHOOL CHOICE TRANSFER PROCEDURES

The superintendent shall establish procedures to facilitate the transfer of students when a school has been identified as persistently dangerous or when a student has been identified as a victim of a violent criminal offense. Such procedures must include the following elements:

1. notice to parents within 10 days of the determination that their child attends a school that has been identified as persistently dangerous or that their child has been identified as a victim of a violent criminal offense;

2. notice to parents that their student has the opportunity to transfer to another

school that has not been identified as persistently dangerous, that serves the student's instructional level, and that the superintendent has designated as an eligible transfer school; this notice must be provided no later than 14 days before the start of the school year for students attending persistently dangerous schools and no later than 14 days after determining that a student has become a victim of a violent criminal offense;

3. identification of those schools, including any virtual schools, within the system that are eligible to receive unsafe school choice transfers;

4. identification of other options for unsafe school choice transfers if no schools in the school system are eligible;

5. a process for parents to request transfer upon receiving notification of the unsafe school choice transfer option;

6. a process to ensure that transfers are completed by the start of the school year for students attending a school designated as persistently dangerous or as expeditiously as possible but not later than the start of the school year for a student victim, except in extraordinary circumstances; and

7. a report to the State Board of Education and to the local board of education of each student transfer made pursuant to this policy.

Transfers made because a student's school was designated as persistently dangerous will remain in effect as long as the school is so identified. Transfers made because a student was a victim of a violent criminal offense will remain in effect at least through the remainder of the school year in which the incident occurred.

F. TRANSPORTATION

Parents who decide to transfer their child pursuant to this policy are responsible for transportation of their child to the receiving school.

Legal References: Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. 7912; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at http://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202.1, -202.2, -202.4; 115C-36, -105.27, -366, -367; State Board of Education Policies SSCH-000, -006

Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

Adopted: November 20, 2017
Revised: December 14, 2018
Reviewed: June 21, 2021

A. GENERAL AUTHORITY

The principal has the authority to assign students to classes, subject to applicable legal requirements. The principal is encouraged to seek input from the professional staff in making these decisions. Parents may submit to the principal written requests for assignment or reassignment of their children so long as the parents provide a compelling reason for the request. The principal shall consider parental requests in assigning students to classes. Unless otherwise required by law or the special circumstances described below, the principal shall balance any individual request for assignment or reassignment against the welfare of other students and the efficient operation of the school.

B. SPECIAL CIRCUMSTANCES

1. Multiple Birth Siblings

School officials will defer to parental preference in making the initial classroom assignment of multiple birth siblings to the extent provided in this section and applicable state law. "Multiple birth siblings" means twins, triplets, quadruplets, or other siblings resulting from a multiple birth.

a. Consultative Meeting with the School Principal

The parent or guardian of multiple birth siblings who are assigned to the same grade level and school may request a consultative meeting with the principal to consider whether to initially place the siblings into the same classroom or into separate classrooms. The request must be made no later than five days before the first day of each school year or, if the students are enrolled after the school year starts, five days after their first day of attendance.

At the meeting, the parent may request either that the students be placed (1) into the same classroom; or (2) into separate classrooms. School officials may offer professional educational advice to the parent or guardian and may recommend an appropriate classroom placement for the students.

b. Initial Classroom Placement

Following the meeting, the principal shall place the students in accordance with the parent or guardian's request unless doing so would require adding an additional class at the students' grade level.

This section shall not otherwise limit the principal's authority to determine the specific classroom assignment(s) for multiple birth siblings, including the students' assignment to a specific teacher or team.

c. Change to Initial Classroom Placement

The principal may change the initial classroom assignment of one or more multiple birth siblings in the following circumstances:

1) the principal, in consultation with the students' classroom teacher(s), determines at the end of the first grading period that the requested placement is disruptive to the school; or

2) the principal determines that one or more of the multiple birth siblings must be removed from a classroom pursuant to any board discipline policy, school rule, and/or the Code of Student Conduct.

2. Newly Enrolled Children of Military Families

The principal shall comply with the requirements of the Interstate Compact for Military Children (G.S. 115C-407.5), G.S. 115C-407.12, and the following provisions when making class assignments for children of military families, as defined in policy 4050, Children of Military Families.

a. Course Placement

When a student transfers before or during the school year, school administrators shall initially honor placement in educational courses based on the student's enrollment in his or her sending school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, Cambridge International Examination Courses, and career and technical education (CTE) pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are to be primary concerns when considering the student's course placement.

b. Educational Program Placement

For a newly enrolled student, school administrators shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in similar programs in the sending state. Such programs include, but are not limited to, academically or intellectually gifted (AIG) programs and English as a Second Language programs.

c. Special Education Services

In compliance with the Individuals with Disabilities Education Act, school administrators shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, school administrators shall make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, in order to provide the student with equal access to education. This accommodation does not preclude school administrators from performing subsequent evaluations to ensure appropriate placement of the student.

d. Placement Flexibility

The board authorizes and directs the superintendent and school administrators to be flexible in waiving course or program prerequisites or other preconditions for placement in courses or programs offered by the school system.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; G.S. 115C-36, -83.1G, -288, -366.3, -366.4, -390.7, -407.5, -407.12

Cross References: Children of Military Families (policy 4050)

Adopted: April 17, 2000

Revised: August 16, 2010; November 1, 2011; March 19, 2012; February 18, 2013; November 20, 2017; March 20, 2023

Reviewed: June 21, 2021

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during, and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The board recognizes its duty to provide each of its employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm.

The superintendent and each principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. As required by law, the principal must inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately. The principal or supervisor must notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

Training must be provided annually for all school system stakeholders (including staff, students, parents, coaches, volunteers, and community members) on how to recognize, and how and when to report, threats to the school population or community.

4. Safety Equipment

School employees shall provide students and visitors with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Center for Safer Schools for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

School officials shall investigate and act upon any report of such behavior, including, when appropriate, referring reports to the school threat assessment team and reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 1735/4329/7311, Bullying and Harassing Behavior Prohibited, 4040/7310, Staff-Student Relations, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

E. THREAT ASSESSMENT TEAMS

In accordance with G.S. 115C-105.65, the superintendent shall establish a multidisciplinary threat assessment team for each school within the school system to identify, assess, and manage behavior of students or others who may pose a risk of violence or harm to self or others. The threat assessment teams will include, but are not limited to, individuals with expertise in counseling, instruction, school administration,

and law enforcement. When practicable, at least one school psychologist, one staff member knowledgeable about and experienced in working with students with special needs, and one staff member knowledgeable about and experienced in working with students with disabilities will be assigned to each threat assessment team. If a school psychologist is not available, a licensed mental health professional may be assigned instead. A member of each threat assessment team will operate as team leader with the responsibility to ensure adherence to the threat assessment process, ensure proper documentation of reports of threats and threat assessment activities, and facilitate collaborative team discussions to ensure various perspectives are considered.

The superintendent shall designate a school system administrator to oversee the school system's threat assessment program and to serve as liaison between the school system and the North Carolina Center for Safer Schools (CSS). The superintendent or designee shall also establish a committee composed of individuals with expertise in human resources, education, school administration, mental health, and law enforcement that will coordinate and monitor the threat assessment teams operating within the school system.

1. Training

   All team members will receive behavioral threat assessment and management training annually prior to the start of the school year. Individuals who join the team in the middle of the school year must receive training within 60 calendar days of joining the team.

2. Assessment and Intervention

   Unless the superintendent establishes a different classification system in the threat assessment protocols developed pursuant to subsection E.4 of this policy, threat assessment teams will use the levels of concern table listed in the behavioral threat assessment and management guidance issued by CSS in assessing the level of threat posed and forming a response to threats.

   Upon determining that a student poses a threat, the threat assessment team will develop a written student support, intervention, and monitoring management plan that establishes interventions and specifies required monitoring times of the student based on the level of concern the student presents. To effectively manage and mitigate potential risk, interventions must focus on building resilience and protective factors for the student while also addressing safety concerns.

3. Information Sharing

   Parents of a student or minor will be notified as soon as practicable that a threat assessment will be or is being conducted on their child. The threat assessment team will contact the parents and provide them the opportunity to participate in the threat assessment. The team is not required to extend the invitation to participate if the student or minor discloses abuse or neglect from the parent.

Once a threat assessment is completed, the team will provide its findings and conclusions to the parents, including any interventions the team is recommending be put in place for the well-being of their child and the school community and any school system or community resources that may be useful for the parents in seeking help for their child.

When the threat assessment team learns that an individual has threatened specific harm to an identifiable potential victim, the team will provide notice of the threat to the potential victim and, if the potential victim is a student or minor, provide notice to the parents.

Any information sharing by, with, or between members of the threat assessment teams will be done in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable state or federal law. (See policy 2125/7315, Confidential Information). Members of a threat assessment team who are not school system employees must sign a written agreement to adhere to the responsibilities and requirements of FERPA before having access to student records.

4. Threat Assessment Protocols

In consultation with CSS guidance and with established threat assessment teams within the school system, the superintendent shall develop, implement, and update threat assessment protocols and procedures that comply with the requirements of G.S. 115C-105.65. At a minimum, these protocols and procedures will delineate the roles and duties to be performed by designated threat assessment team members, the expertise and training of professionals who will serve on threat assessment teams, the steps to be followed in the threat assessment process, including the implementation of interventions, supports, and community services, the timeframe required to responsibly act upon reported concerns, and the engagement of school resource officers and/or law enforcement in the threat assessment process, and the process of documenting reports of threats and threat assessment activities. The protocols and procedures will differentiate between assessment and intervention at the elementary, middle, and high school levels, as appropriate.

The superintendent or designee shall send a copy of this policy and the threat assessment protocols and procedures to CSS when approved or revised. In addition, the superintendent shall ensure that quantitative data on the activities of all threat assessment teams is reported to CSS as required by G.S. 115C-105.65(h) and CSS guidance.

Legal References: 29 C.F.R. part 1904; G.S. 14-208.18; 95-129(1); 115C-36, -47, -105.49, -105.51, -105.53, -105.54, -105.65, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; 13 N.C.A.C. 7A .0301; 16 N.C.A.C. 6E .0107; State Board of Education Policy SCFC-005

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Confidential Information (policy 2125/7315), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education, Office of Safe and Drug-Free Schools (January 2007), available at https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf; *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)

Adopted: November 20, 2017

Revised: December 14, 2018; February 15, 2021; March 20, 2023; August 19, 2024; August 4, 2025; July 20, 2026

The board directs the superintendent to implement a system-wide loss prevention/safety program with the goal of maintaining a safe working environment for employees and a safe learning environment for students. The program must be consistent with the requirements for school safety established in policy 1510/4200/7270, School Safety, and with applicable state and federal rules related to workplace safety and other safety issues in the school environment.

The superintendent shall establish a system-wide health and safety leadership team to oversee the school system's injury and loss prevention efforts. These efforts will include (1) accident and injury prevention and investigation; (2) hazard investigation and control; and (3) promotion of safe practices and safety awareness in the school environment. The team shall be responsible for developing processes for accident investigation and for the identification, reporting, and correction of hazards and other unsafe conditions within the school environment, as described below. The superintendent or designee shall lead the health and safety leadership team in carrying out its responsibilities.

A. ACCIDENT INVESTIGATION AND CORRECTION OF HAZARDS

The health and safety leadership team shall develop an accident investigation protocol, or improve existing protocols, for investigating all employee work-related injuries. The protocol may also address investigation of accidental injuries to students or visitors, as well as incidents of violence in the school environment.

The accident investigation protocol must include steps to identify in a timely manner the cause(s) of the accident and any underlying factors that may have contributed to it. It must also require the identification and implementation of actions to address unsafe conditions to prevent recurrence of the incident. Investigation steps may include, but are not limited to, interviews of the injured employee(s) and witnesses, examination of physical evidence, examination of the workplace, and data collection.

The protocol must provide for recording the findings of cause, recommendations for correction, and actions taken.

The health and safety leadership team shall develop additional protocols, or improve existing protocols, as necessary to investigate reports of hazards and other unsafe conditions within the school environment.

B. PREVENTATIVE MEASURES: IDENTIFICATION, EVALUATION, AND CONTROL OF HAZARDS

The health and safety leadership team shall establish or improve processes and strategies for the identification, investigation, and control of hazards and other unsafe conditions in the school environment, including those arising from safety hazards (e.g., slippery floors, cluttered work areas, overloaded electrical outlets); chemical and biological hazards (e.g.,

solvents, pesticides, lab chemicals, bloodborne pathogens); other health hazards (e.g., allergens and other indoor air pollution, noise), and ergonomic risk factors (e.g., repetition, use of excessive force, awkward posture).

The processes for identification, investigation, and control may include periodic worksite inspections to identify potential or actual safety hazards; job task safety analysis; employee safety surveys; analysis of ergonomic risk factors; review of injury data, accident reports, and workers' compensation records; hazard control analysis; and/or other standard means of hazard identification and control that are consistent with the goal of improving safety in the school environment. The superintendent or designee may appoint site-based safety teams to conduct these activities at each school system site that houses employees. If site-based teams are utilized, they shall report to the health and safety leadership team on a schedule to be established by the superintendent or designee.

C. CORRECTION OF IDENTIFIED HAZARDS

The processes and strategies for improving safety in the school environment required by this policy must include a system for correcting identified hazards and must require the immediate removal of employees from an area where there is an imminent danger that cannot be immediately corrected (e.g., a chemical spill).

The system for correcting hazards must give priority to solutions that actually remove the hazard. If the hazard cannot be removed altogether, procedures that limit exposure to the hazard should be implemented when practicable. In addition, personal protective equipment may be provided to protect the individual(s) from direct exposure to a hazard that cannot be eliminated. A combination of these methods should be used if needed to address the hazardous condition.

D. REPORTING HAZARDS OR OTHER UNSAFE CONDITIONS

The health and safety leadership team shall establish or improve processes for employees and others to report hazards and other unsafe conditions to supervisory or administrative personnel without fear of reprisal.

E. DEVELOPMENT OF SAFE WORK PRACTICES

The health and safety leadership team shall assist the superintendent or designee in the development of safety standards for facilities, equipment, machinery, tools, and work practices. The standards must be consistent with all applicable federal and state standards.

F. SAFETY EDUCATION AND TRAINING

The health and safety leadership team shall coordinate a system-wide safety education program to educate individuals in the school environment on safety practices. The program of education and training must be documented and must include instruction on

workplace-related safety practices, relevant job- or activity-specific safety practices, and site-specific safety and emergency procedures. It must also include instruction on measures for reporting any unsafe conditions, work practices, or injuries.

G. RECORDKEEPING

The health and safety leadership team shall establish uniform processes for recordkeeping that comply with the requirements of federal and state law.

H. EMPLOYEE RESPONSIBILITY FOR SAFETY

All employees are expected to follow safe work practices, use appropriate personal protective equipment as instructed by their supervisors, and attend safety education programs as assigned. Employees must report unsafe conditions or work practices, accidents, or injuries as soon as practicable, in accordance with established procedures.

Legal References: 29 C.F.R. Part 1910; 13 N.C.A.C. 07F.0101; State Board of Education Policy INSR-003

Cross References: School Safety (policy 1510/4200/7270), Hazardous Materials (policy 6540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265)

Adopted: November 20, 2017

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SERVICE ANIMAL

POLICY CODE: 4202/5029/7272

The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property subject to the requirements of this policy. If necessary, the superintendent may establish administrative regulations for the use of service animals on school property.

A. DEFINITION OF "SERVICE ANIMAL"

A "service animal" for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purposes of this policy.

B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES

1. Introduction of a Service Animal

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

a. The employee, student, or student's parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.

b. The employee, student, or student's parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:

1. appropriate training for school personnel and students regarding interaction with the service animal;

2. arrangements for meeting the service animal's basic needs during the school day;

3. any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and

4. when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.

c. It is recommended, but not required, that the service animal wear identification to provide adequate notice to students, school personnel, and school visitors that the dog is a service animal.

d. The service animal should be free of parasites and otherwise in good health.

2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.

b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.

c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.

d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

The principal or designee shall notify all security personnel of the existence and possible locations of any service animals on school property.

C. **USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

D. **LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both, may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

E. **EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

2. The animal is out of control and the animal's handler does not take effective action to control it.

3. The animal is not housebroken.

4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

The superintendent's decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

Cross References: Discrimination, Harassment, and Bullying Compliant Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

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Reviewed: June 21, 2021

ANIMALS IN SCHOOLS

Policy Code: **4203/7273**

The Stokes County Board of Education must ensure the health and safety of students and school personnel who may come in contact with animals during school activities. The Board recognizes that there are varied and substantial benefits to having animals in the school setting as part of school programs or activities as long as they are properly managed.

The Stokes County Board of Education will follow the Guidelines for Animals in North Carolina Schools as developed by the North Carolina Division of Public Health. Health Certificates shall be issued within the last 90-day period and documentation of handler training or a letter from a licensed veterinarian attesting to a lack of history of aggressive behavior is required before the animal may be included in a school activity.

Before allowing any animal on school property for instructional or ceremonial purposes, the principal shall investigate any potential health and/or safety issues which may be caused by the presence of the animal. Parental notification is required prior to the presentation of an animal for instructional or ceremonial purposes.

Students, staff, and the general public are prohibited from bringing an animal onto school property, including at public events held on school property. This prohibition includes, but is not limited to, athletic or other extracurricular events. The exceptions to this policy are service animals as authorized and educational or ceremonial activities or programs approved by the Board of Education.

Cross References: School Safety (Policy 1510/4200/7270; Service Animals in Schools (4202/5029/7272.

Adopted: June 19, 2023

A. INTRODUCTION

It is the policy of the board to: (a) prevent user access via its technological resources to, or transmission of, inappropriate material on the Internet or through electronic mail or other forms of direct electronic communications; (b) prevent unauthorized access to the Internet and devices or programs connected to or accessible through the Internet; (c) prevent other unlawful online activity; (d) prevent unauthorized online disclosure, use, or dissemination of personal identification information of minors; and (e) comply with the Children's Internet Protection Act.

B. DEFINITIONS

1. Technology Protection Measure

   The term "technology protection measure" means a specific technology that blocks or filters Internet access to visual depictions that are obscene, child pornography, or harmful to minors.

2. Harmful to Minors

   The term "harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

   a. taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;

   b. depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and

   c. taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

3. Child Pornography

   The term "child pornography" means any visual depiction, including any photograph, film, video picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

   a. the production of such visual depiction involves the use of a minor engaging in sexually explicit conduct;

b. such visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaging in sexually explicit conduct; or

c. such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in sexually explicit conduct.

4. Sexual Act; Sexual Contact

The terms "sexual act" and "sexual contact" have the meanings given such terms in section 2246 of title 18, United States Code.

5. Minor

For purposes of this policy, the term "minor" means any individual who has not attained the age of 17 years.

C. ACCESS TO INAPPROPRIATE MATERIAL

To the extent practical, technology protection measures (or "Internet filters") will be used to block or filter access to inappropriate information on the Internet and World Wide Web. Specifically, blocking will be applied to audio and visual depictions deemed obscene or to be child pornography or harmful to minors. Student access to other materials that are inappropriate to minors will also be restricted. The board has determined that audio or visual materials that depict violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose are inappropriate for minors. The superintendent, in conjunction with a school technology and media advisory committee (see policy 3200, Selection of Instructional Materials), shall make a determination regarding what other matter or materials are inappropriate for minors. School system personnel may not restrict Internet access to ideas, perspectives, or viewpoints if the restriction is motivated solely by disapproval of the viewpoints involved.

A student or employee must immediately notify the appropriate school official if the student or employee believes that a website or web content that is available to students through the school system's Internet access is obscene, constitutes child pornography, is "harmful to minors" as defined by CIPA, or is otherwise inappropriate for students. Students must notify a teacher or the school principal; employees must notify the superintendent or designee.

Due to the dynamic nature of the Internet, sometimes Internet websites and web material that should not be restricted are blocked by the Internet filter. A student or employee who believes that a website or web content has been improperly blocked by the school system's filter should bring the website to the attention of the principal. The principal shall confer with the technology director to determine whether the site or content should be unblocked. The principal shall notify the student or teacher promptly of the decision.

The decision may be appealed through the school system's grievance procedure. (See policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees.)

Subject to staff supervision, technology protection measures may be disabled during use by an adult for bona fide research or other lawful purposes.

D. INAPPROPRIATE NETWORK USAGE

All users of school system technological resources are expected to comply with the requirements established in policy 3225/4312/7320, Technology Responsible Use. In particular, users are prohibited from: (a) attempting to gain unauthorized access, including "hacking" and engaging in other similar unlawful activities; and (b) engaging in the unauthorized disclosure, use, or dissemination of personal identifying information regarding minors.

E. EDUCATION, SUPERVISION, AND MONITORING

To the extent practical, steps will be taken to promote the safety and security of users of the school system's online computer network, especially when they are using electronic mail, chat rooms, instant messaging, and other forms of direct electronic communications. It is the responsibility of all school personnel to educate, supervise, and monitor usage of the online computer network and access to the Internet in accordance with this policy, the Children's Internet Protection Act, the Neighborhood Children's Internet Protection Act and the Protecting Children in the 21st Century Act.

Procedures for the disabling or otherwise modifying any technology protection measures are the responsibility of the technology director or designated representatives.

The technology director or designated representatives shall provide age-appropriate training for students who use the school system's Internet services. The training provided will be designed to promote the school system's commitment to educating students in digital literacy and citizenship, including:

1. the standards and acceptable use of Internet services as set forth in policy 3225/4312/7320, Technology Responsible Use;

2. student safety with regard to safety on the Internet, appropriate behavior while online, including behavior on social networking websites and in chat rooms, and cyberbullying awareness and response; and

3. compliance with the E-rate requirements of the Children's Internet Protection Act.

Following receipt of this training, the student must acknowledge that he or she received the training, understood it, and will follow the provisions of policy 3225/4312/7320, Technology Responsible Use.

The superintendent shall develop any regulations needed to implement this policy and shall submit any certifications necessary to demonstrate compliance with this policy.

Legal References: Children's Internet Protection Act, 47 U.S.C. 254(h); Neighborhood Children's Internet Protection Act, 47 U.S.C. 254(l); Protecting Children in the 21st Century Act, 47, U.S.C. 254(h)

Cross References: Professional and Staff Development (policy 1610/7800), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), School Improvement Plan (policy 3430), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524)

Adopted: February 18, 2013

Revised: May 5, 2014

Reviewed: May 17, 2021

The safety of students is a paramount concern of the board and school system. The principal or designee shall make reasonable efforts to verify that any person appearing at a school and requesting permission to take a student from the school is properly identified before the student is released to him or her.

Except in the most extreme circumstances, custody of a student shall not be relinquished to any person without the prior approval of the parent or guardian who has physical custody of the student. However, if the parents are divorced or separated, the student may be released to either parent, unless the principal has been provided with a copy of a court order or agreement that specifies otherwise.

If the principal or designee judges that the student's health or safety may be harmed by releasing the student, the principal shall contact law enforcement and/or the department of social services as appropriate.

Principals are encouraged to develop guidelines as necessary to implement this policy.

Legal References: G.S. 115C-36, -47, -288

Cross References: Child Abuse – Reports and Investigations (policy 4240/7312), Relationships with Other Governmental Agencies (policy 5100)

Adopted: August 16, 2010

Reviewed: June 21, 2021

A. ACCIDENT INSURANCE

Membership in a group accident insurance program will be made available to students each year. In arranging for this insurance, the board will make every reasonable attempt to identify a company offering comprehensive insurance at economical rates. Information on the plan will be made available through school publications.

Purchase of this insurance constitutes an agreement between the student and/or parent or guardian and the insurance company. The student and/or parent or guardian is responsible for payment of the accident insurance premiums. The school system is not a party to this agreement. The school system does not assume any contractual responsibility for expenses not covered by insurance.

Students who choose to participate in programs that may have a higher risk of physical injury than most school activities, including off-site internship programs, football, and other interscholastic sports, are required to have accident insurance through the group plan or comparable coverage. The superintendent may designate other activities, including certain school trips, as requiring accident insurance.

B. CATASTROPHIC INSURANCE

The board will purchase catastrophic insurance to cover students and school system employees while they are participating in or responsible for supervising high school interscholastic athletic activities, including school-supervised practices, game-related activities, and related travel.

Legal References: G.S. 58-31A-60, -51-81; 115C-36, -407.65

Cross References:

Adopted: August 16, 2010

Reviewed: June 21, 2021

Revised: March 20, 2023

The board strives to provide a safe and healthy environment for all students and employees. The board also strives to maintain a balance among the needs to educate all eligible students, to protect students' and employees' rights, and to control communicable diseases, including HIV and AIDS.

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy will be shared with school employees annually and with new employees as part of any initial orientation.

A. DEFINITION OF COMMUNICABLE DISEASE

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

B. PRECAUTIONS

In order to prevent the spread of communicable diseases, school system officials shall distribute guidelines for necessary health and safety precautions that all school system employees must follow. (See policy 7260, Occupational Exposure to Bloodborne Pathogens, and policy 7262, Communicable Diseases – Employees). Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials.

Students should not be involved in the handling, disposal and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services. Employees shall take reasonable precautions to avoid allowing students to come in contact with these substances.

C. CURRICULUM

The curriculum will include health, hygiene and safety education, including age-appropriate information concerning safe health practices that inhibit and prevent the spread of diseases, including HIV and AIDS. (See policy 3540, Comprehensive Health Education Program.)

D. REPORTING AND NOTICE REQUIREMENTS

In accordance with G.S. 130A-136, school principals shall report suspected cases of communicable diseases to the county health department. Confidentiality of such reports is protected by law. School principals are presumed by law to be immune from liability for making such reports in good faith. Without releasing any information that would identify the student, the principal also must report suspected cases of communicable diseases to the superintendent. Additionally, parents or guardians will be notified in a timely manner when their child has potentially been exposed to a communicable disease through the exchange of blood with another individual and will be encouraged to contact their private physician or the county health department for consultation.

If the local health director determines that there is significant risk of HIV transmission, the local health director is responsible for deciding which school personnel will be informed of the identity of a student with AIDS or HIV infection. The health director is also responsible for determining which school personnel will be informed of the identity of students with other communicable diseases required to be reported.

Any employee who is informed of or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information unless specifically permitted to do so by the health director, the student's parent or guardian or by other applicable state or federal laws or regulations. Permission from a parent or guardian to share a student's HIV status with other school personnel must be in writing. Any documents relating to a student's HIV or AIDS infection will be retained in a locked cabinet separate from the student's other school records and medical records and will be released or shared only as necessary to comply with this policy. Employees who are informed of the student's condition will also be provided with appropriate information concerning necessary precautions and will be made aware of the strict confidentiality requirements. If an employee releases this type of confidential information or record, except as permitted by law, the employee will have committed a misdemeanor and may be subject to further discipline.

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they are aware or become aware of any student suffering from a communicable disease other than HIV infection. Parents will be encouraged to notify the principal as well.

Students who are immunodeficient, whether due to AIDS or other causes, face an increased risk of severe complications from exposure to communicable diseases that appear in the school setting. Although students with an HIV infection are not required to notify school staff of their HIV status, students and their parents or guardians are encouraged to inform the principal if a student suffers from this immunodeficiency. Students who are immunodeficient because of other communicable diseases, and their parents, are also encouraged to inform the principal.

If notified that a student suffers from an immunodeficiency, the principal should request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify the parents or guardians of an infected or immunodeficient student (or the student himself or herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles, tuberculosis or other contagious diseases occurring in the school that may present a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION

Students with an AIDS or HIV infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-.0204 and this subsection.

When the local health director notifies the superintendent that a student with AIDS or HIV infection may pose a significant risk for transmission, the superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee in accordance with state health regulations and procedures established by the superintendent. The committee shall consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel, and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director will be responsible for determining whether to add additional members requested by the parents. The superintendent shall inform the board whenever a committee has been formed and shall advise the board of the professional composition of the committee.

The interdisciplinary committee shall review each case individually in consultation with the local health director to determine (1) the degree to which the student’s conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student will be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the local health director.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a locked cabinet separate from the student's other school records and medical records.

Legal References: G.S. 115C-36, 130A-136, -142 to -144, -152 to -157; 10A N.C.A.C. 41A .0201 through .0204

Cross References: Comprehensive Health Education Program (policy 3540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262)

Adopted: August 16, 2010

Reviewed: June 21, 2021

CHILD ABUSE AND RELATED THREATS TO CHILD SAFETY

Policy Code: **4240/7312**

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE). When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and DCDEE.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

The superintendent shall develop any necessary procedures for making a report or otherwise implementing this policy.

A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual conduct with or involving a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer who has 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 is legally required to report the case to DCDEE.

A "child care facility" includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child's care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE BOARD OF EDUCATION

In addition to the other reporting requirements of this policy, administrators shall report to the State Board of Education certain misconduct by licensed employees involving a child and resulting in termination of employment, nonrenewal of an employment contract, suspension without pay, disciplinary action, or resignation in accordance with Section F of policy 7130, Licensure.

E. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an

investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

F. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal

responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS

In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003, the school system will provide information on child abuse and neglect, including age-appropriate information on sexual abuse, to students in grades 6 through 12. Such information will be provided in the form of (1) a document given to all students in grades 6 through 12 at the beginning of each school year, (2) a display posted in visible, high-traffic areas throughout each secondary school, and (3) a video produced by the Center for Safer Schools shown to all students in grades 6 through 12 no more than five days after the first day of the school year.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-12(47), -47(65), -270.35(b), -326.20, -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0608; 16 N.C.A.C. 6D .0403; State Board of Education Policy SHLT-003

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700), Licensure (policy 7130)

Adopted: August 16, 2010

Revised: November 20, 2017; June 21, 2021; March 20, 2023, April 2, 2024; August 4, 2025

NORTH CAROLINA
ADDRESS CONFIDENTIALITY PROGRAM

Policy Code: **4250/5075/7316**

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students, or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking, or human trafficking to prevent a victim's assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant's actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General's Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address. Students, parents, or school personnel enrolled in the Address Confidentiality Program must provide a valid authorization card if they wish to keep their home address confidential.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address, and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system, and will be redacted from any record released pursuant to G.S. 115C-320, provided the employee has provided a valid authorization card to the superintendent or designee. (See policies 5070/7350, Public Records – Retention, Release, and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public, provided the student or parent has provided a valid authorization card to the principal. Student records will reflect only the substitute address and not the student's actual address. The student's telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student's name be withheld from any release of

directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program to ensure confidentiality of the student's new location.

D. DISCLOSURE PROHIBITED

The knowing and intentional disclosure of a program participant's actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: August 16, 2010

Revised: May 15, 2014; November 20, 2017

Reviewed: June 21, 2021

The board is committed to the safety of students, school employees, and other persons on school property. In order to create and maintain a safe school environment and to comply with G.S. 14-208.18, the board establishes the following policy provisions.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender subject to policy 5022, Registered Sex Offenders, is expressly prohibited from (1) knowingly being present on any school grounds or any property owned or operated by the school system where minors frequently congregate and (2) attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

B. EDUCATIONAL SERVICES FOR STUDENT SEX OFFENDERS

1. If permitted by the board, a student who is subject to Section A of this policy and is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the board.

2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with subsection B.4.b of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2), the board will consider whether there are alternative education services that may be offered to the student.

4. If the board determines that a student will be provided with educational services on school property, the student must be supervised by school personnel at all times.

5. If a student subject to this policy violates the conditions and restrictions placed on the student by the board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in Section D of policy 4300, Student Behavior Policies, and any applicable provisions of the Code of Student Conduct.

6. If a student subject to this policy is a student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -208.19;

115C art. 9; 115C-378, -390.2, -390.11(a)(2)

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted: August 15, 2011

Reviewed: June 21, 2021

Revised: August 8, 2022

The board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the board directs school employees to comply with the concussion safety requirements for interscholastic athletic competition established by G.S. 115C-12(23) as amended in the Gfeller-Waller Concussion Awareness Act of 2011, and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies. The superintendent or designee shall develop plans consistent with state requirements and shall implement and monitor compliance with this policy. The superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

A. DEFINITION OF CONCUSSION

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

B. SCHOOL HEAD INJURY INFORMATION SHEET

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer, or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices, or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy.

C. REMOVAL FROM AND RETURN TO PLAY

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-12(23) and any other applicable law or State Board policy.

D. RETURN TO LEARNING

The superintendent or designee shall develop a plan that meets all the requirements of the State Board of Education for addressing the needs of students in grades pre-K through 12 who suffer concussions. The superintendent or designee shall also arrange for information and professional development to be provided annually to all teachers and other school personnel on return-to-learn issues and other concerns related to concussion and brain injuries. Parents and students must be offered the opportunity annually to provide information related to any head injury or concussion the student may have incurred during the past year on the health history and emergency medical information update form.

E. EMERGENCY ACTION PLANS

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment, and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed, and rehearsed in accordance with G.S. 115C-12(23), and (5) compliant with any other requirements of state law and State Board policy.

F. ATHLETIC TRAINERS AND FIRST RESPONDERS

Each high school principal shall designate at least one licensed athletic trainer or first responder who meets the requirements of state law and State Board of Education policy. The principal shall monitor each athletic trainer's or first responder's compliance with the duties assigned to the position by the State Board and any additional duties assigned by the superintendent or designee, including, but not limited to, attendance at football games and practices and compliance with all applicable training and certification requirements.

To the extent funding and resources are available, the superintendent shall work toward having a licensed athletic trainer or first responder available for all school practices and games of all high school and middle school sports.

G. RECORDKEEPING

The superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The superintendent's annual report to the board on compliance with laws and policies related to student wellness shall include a report on the system's compliance with laws

and policies related to concussions and head injuries. (See Section G of policy 6140, Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147; Article 34 Chapter 90; State Board of Education Policies ATHL-000, ATHL-003, SHLT-001

Cross References: Student Wellness (policy 6140)

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website, http://tbicenter.unc.edu; *Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels,* N.C. Department of Public Instruction (2011), available at http://www.ncleg.net/documentsites/committees/JLEOC/Reports%20Received/Archives/2011%20Reports%20Received/Study%20of%20Sports%20Injuries%20at%20Middle%20and%20High%20School%20Levels.pdf

Adopted: November 20, 2017

Revised: June 21, 2021

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly, and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior; and (4) required procedures for addressing misbehavior. Teachers, school-based administrators, parents, and law enforcement will be consulted when existing student behavior policies are revised or new such policies are created.

A. PRINCIPLES

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly, and inviting environment.

2. Positive behavioral interventions will be employed as appropriate to improve student behavior.

3. Responsibility, integrity, civility, and other standards of behavior will be integrated into the curriculum.

4. Disruptive behavior in the classroom will not be tolerated.

5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior, and to develop self-control.

6. Strategies and consequences will be age and developmentally appropriate.

B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. To elaborate further on processes for addressing student misbehavior and the use of

intervention strategies and consequences, each school will create a student behavior management plan that is consistent with the law, board policies, and the Code of Student Conduct (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct, or disciplinary measures identified in student behavior management plans developed by individual schools. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct, or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

C. APPLICABILITY

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during, or after school hours;

2. while on any bus or other vehicle as part of any school activity;

3. while waiting at any school bus stop;

4. during any school-sponsored activity or extracurricular activity;

5. when subject to the authority of school employees; and

6. at any other place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the First Amendment to the U.S. Constitution.

D. CONSEQUENCES FOR VIOLATIONS

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations

   Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

   Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

   a. parental involvement, such as conferences;

   b. isolation or time-out for short periods of time;

   c. behavior improvement agreements;

   d. instruction in conflict resolution and anger management;

   e. peer mediation;

   f. individual or small group sessions with the school counselor;

   g. academic intervention;

   h. in-school suspension;

   i. detention before and/or after school or on Saturday;

   j. community service;

   k. exclusion from graduation ceremonies;

   l. exclusion from extracurricular activities;

m. suspension from bus privileges; and

n. placement in an alternative school.

The student's parent is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent is unable to provide transportation, another consequence will be substituted.

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees, or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions, and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

E. ENFORCEMENT

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system and consistent with students' constitutional rights.

Legal References: U.S. Const. amend. I; *Mahanoy Area School Dist. v. B.L.*, 594 U.S. ___, 141 S. Ct. 2038 (2021); G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

Adopted: August 15, 2011

Reviewed: August 16, 2021

Revised: March 20, 2023

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;

2. to quell a disturbance threatening injury to others;

3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;

4. for self-defense;

5. for the protection of persons or property; or

6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Legal References: G.S. 115C-47, -288, -307, -390.3, -391.1

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R)

Adopted: August 15, 2011

Reviewed: August 16, 2021

SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code: **4302**

Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the purposes and principles established in policy 4300, Student Behavior Policies. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

A. COMPONENTS OF THE PLAN

The plan should address: (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior (see policy 4341, Parental Involvement in Student Behavior Issues).

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment. (See also policy 4301, Authority of School Personnel.)

Principals shall avoid removing students from the classroom for a long period of time, including in-school or out-of-school suspension, unless necessary to provide a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

B. PROCESS FOR DEVELOPING AND EVALUATING THE PLAN

Principals are encouraged to use a team approach in developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals shall report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and the use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.

Legal References: G.S. 115C-47, -288, -307, -390.1, -390.2, -390.3, -391.1, -397.1

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: August 15, 2011

Reviewed: August 16, 2021

FAIR AND CONSISTENT DISCIPLINE ADMINISTRATION

Policy Code: **4303**

The board intends that student discipline policies, procedures, and practices be applied fairly, impartially, and consistently in accordance with law, without regard to a student's race, color, national origin, disability, gender, status as an English Language Learner, or other characteristic protected by federal law. As provided in policy 4300, Student Behavior Policies, the superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

The board recognizes the negative effects of exclusionary discipline on a range of student outcomes and therefore has reserved the sanctions of suspension and expulsion for only the most serious violations of the Code of Student Conduct, as provided in policy 4300. The board further recognizes that disproportionality (overrepresentation of a particular group of students in relation to their population in a school or across the school system) in exclusionary discipline may sometimes be the result of inconsistent application of discipline to similar offenses and may be a barrier to the board's overall objective of promoting successful educational outcomes for all students. Therefore, the board will monitor the administration of its discipline policies to determine whether disciplinary and other behavior management practices are affecting groups of students disproportionately and, if so, whether the disproportionality results from inconsistencies in the application of discipline to similar offenses.

A. SUPERINTENDENT'S REVIEW OF STUDENT DISCIPLINE ADMINISTRATION

1. The board directs the superintendent to regularly review the administration of student discipline and behavior management policies across the school system to evaluate whether: (1) disciplinary practices and approaches are consistent with board policies; (2) disciplinary sanctions are consistent with the Code of Student Conduct; (3) routine misbehavior is handled consistently within each school as well as across the school system; (4) more extraordinary behavior situations are handled fairly and quickly to protect the welfare of students and employees in a manner that promotes learning and respect for others; (5) discipline policies are applied fairly and consistently to all students regardless of their race, color, national origin, disability, gender, status as an English Language Learner, or other protected personal characteristic.

2. The superintendent's review shall include consideration of the school system discipline data submitted to the North Carolina Department of Public Instruction for inclusion in the State Board of Education's Consolidated Data Report to the General Assembly and in the Civil Rights Data Collection conducted by the U.S. Department of Education, Office for Civil Rights.

B. SUPERINTENDENT'S REPORT TO THE BOARD

1. Annually, the superintendent shall provide to the board a report of the discipline data submitted to the North Carolina Department of Public Instruction as described in paragraph A.2, above. The data must be reported both system-wide and separately for each school and must be disaggregated on the basis of race/ethnicity, gender, disability, English Language Learner status, and/or such other basis as the board may specify.

2. At its discretion, the board may request additional data or analysis of data to assess whether disciplinary and other behavior management practices in the schools are affecting groups of students disproportionately and, if so, whether the disproportionality is the result of the inconsistent application of discipline or other behavior management practices to similar offenses.

3. If the data provided to the board reveals a pattern of discipline or disciplinary practices within or across schools that affects students disproportionately due to inconsistent discipline or disciplinary practices based on race, gender, ethnicity, disability, English Language Learner status, or other personal characteristic, the superintendent shall present to the board any recommendations for changes to discipline policies or practices to reduce the potential for unjustifiable disproportionate outcomes.

C. PROFESSIONAL DEVELOPMENT TO SUPPORT EQUITABLE DISCIPLINARY PRACTICES

The superintendent shall provide a program of professional development that prepares employees to apply school discipline policies and practices in a fair and equitable manner so as not to disproportionately impact students of color, students with disabilities, English Language Learners, or other groups of students on the basis of their personal characteristics.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Title IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307)

Other References: Civil Rights Data Collection, available at http://ocrdata.ed.gov/

Adopted: November 23, 2015

Reviewed: August 16, 2021

A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program, school student behavior management plans, school improvement plans, and numerous other strategies identified in board policy are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Basis for Transfer

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis under any of the following circumstances.[1]

a. the student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools;

b. the student has been recommended for long-term suspension or expulsion;

c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;

d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental, and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;

e. the student is a clear threat to the safety of other students or personnel; or

f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

2. Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;

b. provide the reasons for referring the student to an alternative learning program or school; and

c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

3. Referral

a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Code of Student Conduct do not require additional referral procedures prior to transfer.

b. Prior to a transfer in circumstances where a student is experiencing

academic or developmental difficulties or continuing social/behavioral problems, the principal or school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

c. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion, the principal must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

4. Responsibilities of School Personnel at the Alternative Learning Program or School

Once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school.

Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

5. Assignment of Student with Disabilities to Alternative Programs/Schools

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.

D. APPEALS PROCESS

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities,* as adopted by the State Board of Education.

In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

E. ADMINISTRATIVE ASSIGNMENTS

1. Assignment During a Long-Term or 365-Day Suspension

Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student

who is subject to G.S. 14-208.18 to an alternative learning program or school.

F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received unfavorable evaluations. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

   The board will determine annually how each alternative school will participate in the State Alternative Schools' Accountability Model. The superintendent shall provide for this information to be reported to the North Carolina Department of Public Instruction by August 1 of each year.

2. Information to be Reported to the Board of Education

   Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -

367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, EXCP-000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction), available at https://www.dpi.nc.gov/students-families/enhanced-opportunities/alternative-learning-programs#development,-implementation,-and-operations

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: May 18, 2015; May 16, 2016

Revised: November 20, 2017; December 14, 2018; May 17, 2021

DISCIPLINARY ACTION FOR EXCEPTIONAL CHILDREN/ STUDENTS WITH DISABILITIES

Policy Code: **4307**

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines will conform to *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education. If the *Policies Governing Services for Children with Disabilities* manual does not fully address a particular issue, the director of exceptional children will develop any necessary protocols consistent with state and federal law.

All students with disabilities will be accorded all rights as provided by state and federal law. See also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-390.1; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; *Policies and Procedures for Alternative Learning Programs and Schools, Grades K-12,* State Board of Education Policy ALTP-002

Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Special Education Programs/Rights of Students with Disabilities (policy 3520)

Adopted: November 20, 2017

Reviewed: August 16, 2021

All students are expected to demonstrate integrity, civility, responsibility and self-control. This expectation is directly related to the board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self-control also are critical for establishing and maintaining a safe, orderly and inviting environment.

A. PROHIBITED BEHAVIOR

In addition to any standards or rules established by the schools, the following behaviors are in violation of the standards of integrity and civility and are specifically prohibited:

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;

2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one's own original work;

3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;

4. cursing or using vulgar, abusive or demeaning language toward another person; and

5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: 17 U.S.C. 101, 102, 106, 107, 110, 117; G.S. 115C-47, -288, -307, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300)

Adopted: August 15, 2011

Reviewed: August 16, 2021

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal, and responsible use. Accordingly, the board establishes this policy to govern student and employee use of any technological resources owned, leased, maintained, or otherwise controlled by the school system. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools, and learning environments made available by or on the networks, and all devices that connect to those networks.

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices, accesses the school's electronic storage or network, or connects to the Internet using school system-provided access must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

1. School system technological resources are provided for school-related purposes

only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.

Student personal use of school system technological resources for amusement or entertainment is prohibited unless approved for special situations by the teacher or school administrator. In addition, student access to social media platforms is prohibited, except when expressly directed by a teacher solely for educational purposes.

Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

The superintendent or designee will provide guidelines to ensure that any Wi-Fi hotspots used off school system property were not purchased using E-Rate funds.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

4. Users must follow any software, application, or subscription services terms and conditions of use.

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.

6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others.

    a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

    b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

    c. Users may not forward or post personal communications without the author's prior consent.

    d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such recordings or pictures in any way, without the consent of the other students and/or employees and the principal or designee. An exception will be made for recordings at events that are open to the public, such as athletic competitions, band and choral concerts, assemblies, presentations, and award ceremonies. If recording at a public event is restricted for any reason, including due to copyright issues (e.g., a school play), students, employees, and all other members of the audience will be notified of the recording restrictions before the event begins.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.

11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, accounts, data, or information.

13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

17. It is the user's responsibility to back up data and other important files.

18. Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.

19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

Exceptions to these rules may be made for employees whose activities are necessary to carry out their job responsibilities and are authorized by law.

C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students

may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise age-inappropriate or harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose as well as websites, web applications, or software that do not protect against the disclosure, use, or dissemination of a student's personal information. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet.

D. PRIVACY

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220, Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

F. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

1. Students

   Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. USE AGREEMENTS

All students, parents, and employees will be informed annually of the information in this policy and in any applicable generative artificial intelligence (AI) guidelines developed in

accordance with policy 3220, Technology in the Educational Program. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and the generative AI guidelines and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system and must sign a copy of the generative AI guidelines.

H. CONSEQUENCES

Based on the nature and severity of the offense and the circumstances surrounding the incident, violations of this policy will result in appropriate remedial actions or discipline up to and including long-term suspension for students and dismissal for employees and may result in revocation of user privileges. Willful misuse may also result in criminal prosecution under applicable state and federal law.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5), 47 C.F.R. 54.516; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-47(70), -102.10, -325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 143-805

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Other Resources: North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools, available at https://go.ncdpi.gov/AI_Guidelines

Adopted: February 6, 2017

Revised: May 17, 2021; August 4, 2025; July 20, 2026

An orderly school environment is necessary for teachers to be able to teach and for students to be able to learn. Students are encouraged to participate in efforts to create a safe, orderly and inviting school environment. Students also are entitled to exercise their constitutional right to free speech as part of a stimulating, inviting educational environment. A student's right to free speech will not be infringed upon; however, school officials may place reasonable, constitutional restrictions on time, place and manner in order to preserve a safe, orderly environment.

Principals and teachers have full authority as provided by law to establish and enforce standards and rules as necessary to create orderly schools and classrooms.

A. PROHIBITED BEHAVIOR

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. The following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;

2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others (see policy 4316, Student Dress Code);

3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;

4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;

5. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and

6. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be

imposed on a student for violations of this policy.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 14-132, -132.2, -288.2, -288.4; 115C-47, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316)

Adopted: August 15, 2011

Reviewed: August 16, 2021

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is conducive to learning. Generally, dress and grooming standards as determined by the student and his or her parents will be deemed acceptable. However, the board prohibits any appearance or clothing that does the following:

1. violates a reasonable dress code adopted and publicized by the school;

2. is substantially disruptive (for information on gang-related attire, see policy 4328, Gang-Related Activity);

3. is provocative or obscene; or

4. endangers the health or safety of the student or others.

Before receiving disciplinary consequences, a student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of the dress code.

Legal References: G.S. 115C-47, -390.2

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315), Gang-Related Activity (policy 4328)

Adopted: August 15, 2011

Revised: August 16, 2021

USE OF WIRELESS COMMUNICATION DEVICES

Policy Code: **4318**

The board recognizes that cellular phones and other wireless communication devices are an important tool through which parents communicate with their children and through which students gather information. The board also understands that excessive use of wireless communication devices may pose significant health and social risks for students. Therefore, to balance these interests and the needs of students, parents, and the school community, the board limits the use of wireless communication devices as provided in this policy.

A. DEFINITIONS

For the purposes of this policy, the following definitions apply.

1. "Instructional time" is the time during which students are assigned to a teacher for the primary purpose of instruction.

2. A "wireless communication device" is any portable wireless device that has the capability to provide voice, messaging, or other data communication between two or more parties, including but not limited to cellular telephones, tablet and laptop computers, paging devices, two-way radios, and gaming devices.

B. AUTHORIZED USE DURING INSTRUCTIONAL TIME

Students are permitted to possess wireless communication devices on school property so long as the devices are not turned on, used, or displayed during instructional time or as otherwise directed by school rules or school personnel.

Additionally, individual students may use wireless communication devices as required by the student's Individualized Education Program or Section 504 plan or to manage the student's health care in accordance with a documented medical condition. Teachers may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use, or in the event of an emergency.

C. AUTHORIZED USE DURING NON-INSTRUCTIONAL TIME

Although use of wireless communication devices is generally permitted during non-instructional time and before and after school, the principal may establish additional limitations on the use, possession, or display of such devices consistent with this policy.

Students may not use wireless communication devices inside school buildings, at school-sponsored events, or on school buses to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such recordings or pictures in any way, without the consent of the other students and/or employees. An exception will be made for recordings at events that are open to

the public, such as athletic competitions, band and choral concerts, assemblies, presentations, and award ceremonies. If recording at a public event is restricted for any reason, including due to copyright issues (e.g., a school play), the students and all other members of the audience will be notified of the recording restrictions before the event begins.

Use of wireless communication devices may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses. In addition, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication devices during such programs.

D. CONSEQUENCES

School employees may immediately confiscate any wireless communication devices that are on, used, or displayed in violation of this policy. In general, the confiscated device will be returned to the student at the end of the school day. However, an administrator may require a student's parent to recover a confiscated device if the student has repeatedly violated this policy.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation, or school rule; (2) to bully or harass other students; (3) to send illicit text messages; (4) to take and/or send illicit photographs; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

E. SEARCH OF WIRELESS COMMUNICATION DEVICES

In accordance with policy 4342, Student Searches, a student's wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct, or a school rule. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

F. LIABILITY

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss, or damage of a personal wireless communication device.

Legal References: G.S. 115C-36, -76.100, -390.2

Cross References: Student Behavior Policies (policy 4300), Disruptive Behavior (policy 4315), Student Searches (policy 4342)

Adopted: August 15, 2011

Revised: August 16, 2021; December 11, 2025; July 20, 2026

The board is committed to creating safe, orderly, clean, and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term "tobacco product" means any product that contains or that is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

A. PROHIBITED BEHAVIOR

In support of the board's commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean, and inviting school environment.

C. SERVICES FOR STUDENTS

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its

students.

D. NOTICE

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); 21 C.F.R. 1100 *et seq.*; G.S. 14-313; 115C-47, -288, -307, -390.2, -407

Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

Adopted: November 23, 2015

Revised: August 16, 2021

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated. The superintendent is responsible for ensuring that this policy is consistently applied throughout the school system.

This policy applies to students while on school property or at a school-sponsored event or activity (whether on or off school property) and at any other time or place where the conduct is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

A. PROHIBITED BEHAVIOR

1. Students are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of any of the following substances:

    a. narcotic drugs;

    b. hallucinogenic drugs;

    c. amphetamines;

    d. barbiturates;

    e. marijuana;

    f. synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2");

    g. any other controlled substance;

    h. any alcoholic beverage, malt beverage, fortified or unfortified wine, or other intoxicating liquor;

    i. any chemicals, substances, or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior; or

    j. any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under state or federal law.

2. Students also are prohibited from possessing, using, selling, delivering, or manufacturing counterfeit (fake) drugs.

3. Students are prohibited from possessing, using, selling, delivering, or manufacturing drug paraphernalia, including but not limited to rolling papers, roach clips, lighters, matches, vaping devices, vape liquid containers, pipes, syringes, and other delivery devices for prohibited substances.

4. Students are prohibited from possessing, using, selling, delivering, or sharing prescription or over-the-counter drugs, except in accordance with policy 6125, Administering Medicines to Students. A student who possesses or uses a prescription or over-the-counter drug in accordance with policy 6125 does not violate this policy.

5. A student is not in violation of this policy for being under the influence of a prohibited substance following its proper use as a medication lawfully prescribed for the student by a licensed health care practitioner.

6. Students may not participate in any way in the selling or delivering of prohibited substances, regardless of whether the sale or delivery ultimately occurs on school property.

7. The principal may authorize lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

B. CONSEQUENCES

As required by policy 4335, Criminal Behavior, the principal must report to the appropriate law enforcement agency any student who has used or possessed a controlled substance in violation of law while on school property.

The disciplinary consequences for violations of this policy will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 18B-301; 20-11(n1); ch. 90 art. 5 and art. 5B; 115C-47, -276, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicines to Students (policy 6125)

Adopted: August 15, 2011

Revised: August 16, 2021

The board strives to create a safe, orderly, caring, and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors, or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

A. PROHIBITED BEHAVIOR

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, "gang-related activity" means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate, or display the existence of any identified gang.

Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang;

2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;

3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass, and Damage to Property);

4. requiring payment of protection or insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats, and Harassment);

5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);

6. soliciting others for gang membership; and

7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

B. NOTICE

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories, and behaviors. Each principal shall maintain a list of current examples of gang-related activities to assist students, parents, and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students, and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy. The Code of Student Conduct and student handbook (or such other similar materials) also shall provide the addresses of websites that contain additional information identifying gang signs, symbols, clothing, and other gang indicators.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

C. CONSEQUENCES

Before receiving disciplinary consequences for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be disciplined only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section D of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was

gang-related shall be an aggravating factor when determining the appropriate consequences.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student and the student's parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials' observations and concerns and to offer the student and his or her parents information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Legal References: G.S. 115C-390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: August 15, 2011

Revised: March 29, 2018

Reviewed: August 16, 2021

BULLYING AND HARASSING BEHAVIOR PROHIBITED

Policy Code: **1735/4329/7311**

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (7) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. RELATIONSHIP TO OTHER POLICIES

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on federally protected characteristics, such as race, color, national origin, sex, disability, age (40 or older), religion, military affiliation, or genetic information)

- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.

4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances

or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or

2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

   "Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. REPORTING BULLYING AND HARASSING BEHAVIOR

1. Reports by Students and/or Parents and Guardians

   a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.

b. Reports may be made orally or in writing and may be made anonymously.

c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.

d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON A FEDERALLY PROTECTED CHARACTERISTIC

Bullying or harassing behavior that is based on a federally protected characteristic, such as sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other federally protected characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on a federally protected characteristic should be resolved

by notifying the Title IX Coordinator.

F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or designee or site supervisor and addressed in accordance with this policy and policy 4340, School-Level Investigations, when appropriate. If the principal or site supervisor is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the investigator determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the investigator shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. CONSEQUENCES

1. Students

   The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

   A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

2. Employees

   Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

   Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. OTHER INTERVENTIONS

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. NOTICE

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020)

Adopted: August 4, 2025

THEFT, TRESPASS AND DAMAGE TO PROPERTY

Policy Code: **4330**

The board will not tolerate theft, trespass or damage to property by any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Theft

   Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.

2. Damage to Property

   Students are prohibited from damaging or attempting to damage school or private property.

3. Trespass

   Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

   a. the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;

   b. the student is loitering at any school after the close of the school day without any specific need or supervision; or

   c. the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276(r), -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Criminal Behavior (policy 4335)

Adopted: August 15, 2011

Reviewed: August 16, 2021

ASSAULTS, THREATS AND HARASSMENT

Policy Code: **4331**

The board will not tolerate assaults, threats or harassment from any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Assault

   Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Threatening Acts

   Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

   Bomb and terrorist threats are also addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

3. Harassment

   Students are prohibited from engaging in or encouraging any form of harassment, including bullying and cyberbullying of students, employees or other individuals on school grounds, at school-related functions, and at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe.

   Harassment and bullying are further defined in policy 1710/4020/7230, Prohibition Against Discrimination, Harassment and Bullying. For incidents of misbehavior that do not rise to the level of harassment, see policy 4310, Integrity and Civility, which establishes the expectation that students will demonstrate civility and integrity in their interactions with others.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee

shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent.

A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

Legal References: G.S. 14-33, -34 through -34.2, -458.2; 115C-47, -276(r), -288, -307, -366.4, -390.2, -390.7

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4020/7230), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333)

Adopted: August 15, 2011

Revised: February 18, 2013; September 29, 2023

Reviewed: August 16, 2021

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

   Students are prohibited from possessing, handling, using, or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include, but are not limited to the following:

   a. loaded and unloaded firearms, including guns, pistols, and rifles;

   b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades, and mines;

   c. nuclear, biological, or chemical weapons of mass destruction as defined in G.S. 14-288.21(c);

   d. knives, including pocket knives, bowie knives, switchblades, dirks, and daggers;

   e. slingshots and slungshots;

   f. leaded canes;

   g. blackjacks;

   h. metal knuckles;

   i. BB guns;

   j. air rifles and air pistols;

   k. stun guns and other electric shock weapons, such as tasers;

   l. icepicks;

m. razors and razor blades (except those designed and used solely for personal shaving);

n. fireworks;

o. gun powder, ammunition, or bullets;

p. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance; and

q. mace, pepper spray, and other personal defense sprays.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage, or aid another student to possess, handle, or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle, or use such an item must notify a teacher or the principal immediately. Middle and high school students may also utilize the anonymous safety tip line for reporting risks to the school population.

This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from:

a. making a bomb threat, regardless of whether the student intends to or has the means to carry out the threat;

b. perpetrating a bomb hoax against school system property by making a report, knowing or having reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting, or burning is located on school system property or at a school system event;

c. perpetrating a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; and

d. knowingly or willfully causing, encouraging, or aiding another student to

make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat, or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making a terrorist threat or perpetrating a terrorist hoax by:

a. threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;

b. making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;

c. making a report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or

d. concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person.

No student may knowingly or willfully cause, encourage, or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance, or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat, or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal

property, including any vehicle;

c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;

d. an attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;

e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;

f. any intentional, highly reckless, or negligent act that results in the death of another person;

g. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;

h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;

i. taking or attempting to take anything of value from the care, custody, or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;

j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;

k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;

l. any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

1. General Consequences

   The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. Specific Consequences Mandated by Law

   As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel, and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

   For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle, or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device.

   A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18, -27.21 through -27.30, -32, -33, -34 through -34.2, -41, -49, -49.1, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -202.2, -208.18, -269.2, -277.5, -277.6, -283, -288.8, -288.21, -288.22, -288.23, -288.24; ch. 90 art. 5; 115C-47, -105.51, -276(r), -288, -307, -390.1, -390.2, -390.10

Cross References: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: February 6, 2017
Revised: December 14, 2018; August 16, 2021

USE OF UNMANNED AIRCRAFT (DRONES)

Policy Code: **4334/5035/7345**

The board supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. An "unmanned aircraft" or "drone" is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.

2. The "use" of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.

3. "School property" includes any property that is owned, leased, or otherwise controlled by the board.

4. Use of an unmanned aircraft is for a "recreational" purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

B. AUTHORIZED USE OF UNMANNED AIRCRAFT

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of the registration, certification, permit, and/or waiver required by the FAA and/or NCDOT to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

   An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

   An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 ("Part 107"). In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.

2. Use by a Recreational Flyer

   A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT

1. FAA Safety Guidelines

   A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

   a. The unmanned aircraft must be registered with the FAA and marked with the registration number.

   b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification unless flying within an FAA-recognized identification area.

   c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.

   d. The operator must keep the unmanned aircraft within his or her visual line of sight at all times.

e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).

f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.

g. The operator must not fly the unmanned aircraft near emergency response activities.

h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.

i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the board.

a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.

b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.

c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.

d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.

e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent. As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.

f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.

g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.

h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.

i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.

j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf; Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf; G.S. 14-7.45, -280.3, -401.24, -401.25; 15A art. 16B; 63 art. 10; 113-295; North Carolina High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at https://www.faa.gov/uas/; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx

Adopted: August 16, 2021

Revised: August 8, 2022; April 2, 2024

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

B. REPORTING CRIMINAL BEHAVIOR

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate, or attempt to intimidate the school employee from doing so.

Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not

later than the end of the following workday. The superintendent must inform the board of any such reports.

In addition, the principal or designee must promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforcement or the county child services agency and notification of the parents would impede the investigation.

Certain crimes must be reported to the Department of Public Instruction in accordance with 16 N.C.A.C. 6E .0107.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202, -202.1, -202.2, -269.2; ch. 90 art. 5; 114A-10; 115C-47(56), -288(g); 16 N.C.A.C. 6E .0107

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Drugs and Alcohol (policy 4325), Theft, Trespass, and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Adopted: November 20, 2017

Reviewed: August 16, 2021

Revised: December 18, 2023

The board is committed to creating a safe, orderly environment for students and employees. Principals are authorized and responsible for investigating conduct that may violate a board policy, school standard, school rule, or the Code of Student Conduct.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any related proceedings.

Any student who has violated a board policy, school standard, school rule, or the Code of Student Conduct must accept the consequences for his or her misbehavior. All consequences must be administered in a fair and nondiscriminatory manner.

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office:

1. investigate the facts and circumstances related to the alleged misbehavior;

2. offer the student an opportunity to be heard on the matter; and

3. determine whether a board policy, school standard, school rule, or the Code of Student Conduct has been violated.

If a violation has occurred, the school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, the Code of Student Conduct, or applicable board policy. Parents are to be notified and involved in accordance with policy 4341, Parental Involvement in Student Behavior Issues.

When the misbehavior may result in a suspension or an expulsion from school, procedures provided in related board policies also will apply. See policy 4351, Short-Term Suspension, and policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

A student with disabilities recognized by Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations (see policy 4307, Disciplinary Action for Exceptional Children/Students with Disabilities).

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-47, -288, -390.4, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of

Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: November 20, 2017

Reviewed: August 16, 2021

PARENTAL INVOLVEMENT IN STUDENT BEHAVIOR ISSUES

Policy Code: **4341**

The board recognizes the need for parents and guardians to work with school employees in helping students to learn and practice acceptable standards of behavior. School employees are directed to encourage parents to participate in discussions on effective strategies for correcting misbehavior and appropriate consequences for violations of board policies, the Code of Student Conduct, and other school standards and school rules.

School employees are expected, as part of their school's student behavior management plan, to identify strategies that involve parents. At a minimum, the plan must provide for inviting parents to conferences whenever there are repeated violations of board policies, the Code of Student Conduct, school standards or school rules or whenever there is a serious violation that may result in removing the student from his or her regular educational environment for any extended period of time. Parents also have the right to inspect or obtain copies of student records as provided in policy 4700, Student Records.

When the principal decides to impose a short-term suspension, the principal shall:

1. notify the parent in accordance with Section C of policy 4351, Short-Term Suspension;

2. maintain documents and relevant information that he or she receives about the misbehavior for review with the parent, taking into account the rights of other students or staff that may be involved;

3. make reasonable efforts, if appropriate, to meet with the parent before or at the time the student returns to school after any suspension; and

4. make available a copy of this policy, the Code of Student Conduct, and all other applicable board policies, school standards and school rules.

When a short-term suspension has been imposed, the principal shall inform the parent of the student's rights under policy 4351, Short-Term Suspension.

When the principal decides to recommend a long-term suspension, a 365-day suspension or an expulsion, the principal shall inform the parent of the student's rights, as outlined in policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. If English is the second language of the parent or guardian, the principal shall provide the notice in English and also in the parent's or guardian's first language when the appropriate foreign language resources are available.

All records of parental contact should be maintained in the student's records and retained at least through the end of the school year.

Legal References: G.S. 115C-47, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11

Cross References: Parental Involvement (policy 1310/4002), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted: August 15, 2011

Reviewed: August 16, 2021

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the board or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the legal rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception, permissible in scope, and conducted using methods that are narrowly tailored to be minimally intrusive. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. The scope of the search must be reasonably related to the objectives of the search, and the methods used to conduct the search must be narrowly tailored to be minimally intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

1. Searches of Personal Effects

   School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and clothing (for example, coats or jackets) not currently being worn by the student. Policy 4318, Use of Wireless

Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.

2. Searches of Motor Vehicles

School officials may search the interior of a student's motor vehicle.

3. "Pat-down" Searches

A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official with an adult witness present. Both the school official conducting the search and the adult witness must be the same sex as the student.

4. More Intrusive Personal Searches

More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same sex as the student, with an adult witness of the same sex present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.

5. Metal Detector Searches

A metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

B. SUSPICIONLESS GENERAL SEARCHES

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent

exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will be conducted.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

1. Searches of Desks and Lockers

   School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

   A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

2. Point-of-Entry Metal Detector Searches

   Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. Use of Trained Dogs

   With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

C. SEIZED ITEMS

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

D. FAILURE TO COOPERATE

A student's failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

E. NOTICE

School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.

Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2, -391.2

Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for Management of Student Behavior (policy 4302), Use of Wireless Communication Devices (policy 4318), School-Level Investigations (policy 4340)

Adopted: October 18, 2010

Revised: October 21, 2013; August 16, 2021; April 2, 2024; July 20, 2026

A. RETENTION OF RECORDS AND REPORT OF DATA

The principal shall retain in each student's file, either in paper or electronic form, all records related to violations of board policies, the Code of Student Conduct, school standards, or school rules.

As required by law, the superintendent shall maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, expelled, or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, type of incident or offense, duration of the suspension, whether alternative education services were provided, and whether the student had multiple suspensions in that academic year.

As secretary to the board, the superintendent also shall maintain records from the board's considerations of 365-day suspensions and expulsions and any readmission reconsiderations of 365-day suspensions and expulsions.

The superintendent shall ensure that data on disciplinary incidents is reported using the state student information system application in accordance with State Board of Education policies and procedures.

B. DISCLOSURE OF RECORDS

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

C. REMOVAL OF RECORDS

1. End of Year Removal

   The following types of discipline records may not be removed from student records, electronic files, and databases at the end of the school year:

   a. notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended;

   b. notice of any expulsion under G.S. 115C-390.11 and the record of the conduct for which the student was expelled; and

   c. any records (including of in-school suspensions or short-term suspensions) that need to be maintained in order to be able to serve the student

appropriately or to protect the safety of others.

2. Expunging Records

The superintendent or designee shall expunge any record of suspension for a period of more than 10 days or expulsion if the following criteria are met:

a. a request that the record be expunged is made to the superintendent or designee by the student's parent or guardian, or by the student if the student is at least 16 years old or is emancipated;

b. the student either graduates from high school or is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension; and

c. the superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the child or to maintain safe and orderly schools.

In addition, the superintendent may expunge any notice of suspension or expulsion from a student's official record provided that criteria b. and c. above are met.

This section is not intended to limit parents' right to request removal of information from a student's record under policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(h), 34 C.F.R. 99.31, 99.36; G.S. 115C-47, -276(r), -390.4, -390.7, -390.8, -390.10, -390.11, -390.12, -402

Cross References: Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Other References: *North Carolina Discipline Data Reporting Procedures*, N.C. Department of Public Instruction Safe and Healthy Schools Support Division (Revised, October 2013), available at http://www.ncpublicschools.org/docs/research/discipline/collection/discipline-reporting-procedures.pdf

Adopted: August 15, 2011

Revised: May 5, 2014

Reviewed: August 16, 2021

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal, or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day, (2) the changing of a student's location to another room or place on the school premises, or (3) a student's absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school). A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed.

In accordance with G.S. 115C-390.6(e) and 115C-45(c)(1), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or the board unless it is appealable on some other basis.

A. PRE-SUSPENSION RIGHTS OF THE STUDENT

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal or designee before a short-term suspension is imposed. The principal or designee may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges.

The principal or designee may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal or designee shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

B. STUDENT RIGHTS DURING THE SUSPENSION

A student under a short-term suspension must be provided with the following:

1. the opportunity to take textbooks home for the duration of the suspension;

2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such

assignments; and

3. the opportunity to take any quarterly, semester, or grading period examinations missed during the suspension period.

C. NOTICE TO PARENT OR GUARDIAN

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

The initial notice may be by telephone, but it must be followed by timely written notice. The written notice must include all of the information listed above and may be sent by fax, e-mail, or any other method reasonably designed to give actual notice. School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-45(c), -47, -276(r), -288, -307, -390.1, -390.2, -390.5, -390.6; 130A-440; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), School-Level Investigations (policy 4340), Parental Involvement in Student Behavior Issues (policy 4341), Removal of Student During the Day (policy 4352)

Adopted: November 20, 2017

Reviewed: August 16, 2021

The principal is authorized to impose out-of-school short-term suspensions in accordance with board policy.

The principal may remove from school grounds a student who has been suspended during the school day, under any of the following circumstances:

1. the parent has been notified and is able to make arrangements for the student to leave the school or agrees to the student's using public transportation or driving himself or herself home;

2. the parent has been notified and is available to receive the student, and the principal is able to arrange for transportation from the school to the home; or

3. the principal involves law enforcement in the removal of the student from school grounds because such action is necessary to provide a safe, orderly school environment.

If none of these circumstances exists, the suspension will begin on the next school day.

Legal References: G.S. 115C-47, -288, -390.3, -390.5, -391.1

Cross References: Short-Term Suspension (policy 4351)

Adopted: August 15, 2011

Reviewed: August 16, 2021

A. DEFINITIONS

1. Superintendent

   For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.

2. Principal

   For purposes of this policy, principal includes the principal and the principal's designee.

3. Long-Term Suspension

   A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy, nor is an absence under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school).

   Upon the recommendation of the principal, the superintendent may impose a long-term suspension on a student who willfully engages in a serious violation of the Code of Student Conduct and the violation either (1) threatens the safety of students, staff, or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.

   If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

4. 365-Day Suspension

   A 365-day suspension is the disciplinary exclusion of a student from attending his

or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4330, Theft, Trespass, and Damage to Property, policy 4331, Assaults, Threats, and Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

B. DETERMINATION OF APPROPRIATE CONSEQUENCE

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

a. Culpability of Student – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:

1) the student's age;

2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and

3) evidence of the student's intent when engaging in the conduct.

b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:

1) the student's disciplinary or criminal record related to anti-social behavior or drugs and alcohol;

2) whether a weapon was involved in the incident and if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon;

3) evidence of the student's ability to cause the harm that was intended or that occurred; and

4) whether the student is subject to policy 4260, Student Sex Offenders.

c. Harm Caused by the Student – In assessing the severity of the harm caused by the student, the principal may consider criteria such as whether any of the following occurred:

1) someone was physically injured or killed;

2) someone was directly threatened or property was extorted through the use of a weapon;

3) someone was directly harmed, either emotionally or psychologically;

4) educational property or others' personal property was damaged; or

5) students, school employees, or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

After considering the above factors, the principal shall make a recommendation to the superintendent, stating the nature of the offense, the substance of the evidence involved, and the length of suspension recommended. The principal also must consider and make a recommendation as to whether any alternative education services, counseling, or other programs should be part of the consequence for violating board policy, the Code of Student Conduct, school standards, or school rules.

If the principal recommends a 365-day suspension, he or she must identify the type of firearm or destructive device involved and the evidence substantiating that the student brought it to school grounds or to a school activity or possessed it on school grounds or at a school activity.

If the principal recommends an expulsion, he or she shall identify the basis for

determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other students or employees.

2. Notice to the Student's Parent

The principal must provide to the student's parent written notice of the recommendation for long-term suspension, 365-day suspension, or expulsion by the end of the workday during which the long-term suspension or expulsion is recommended when reasonably possible or as soon thereafter as practicable. The notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's native language. The notice must contain the following 10 elements:

a. the notice type, i.e., notice of long-term suspension, 365-day suspension, or expulsion;*

b. a description of the incident and the student's conduct that led to the recommendation;

c. the specific provision(s) of the Code of Student Conduct that the student allegedly violated;

d. the specific process by which the parent may request a hearing to contest the decision and the deadline for making the request;*

e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;

f. notice of the right to retain an attorney to represent the student in the hearing process;

g. notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal;

h. notice of the right to review and obtain copies of the student's educational records prior to the hearing;

i. a reference to policy 4345, Student Discipline Records, regarding the expungement of disciplinary records; and

j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document.*

*This information must be provided on the notice in both English and

Spanish.

3. Superintendent's Decision

The student or student's parent may request a hearing before the superintendent within three days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension, or expulsion. Any hearing held will follow the hearing procedures outlined in Section A of policy 4370, Student Discipline Hearing Procedures. A decision will be rendered before the long-term suspension is imposed.

If the student or parent makes a timely request for a hearing, the superintendent shall confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and shall give the student and parent reasonable notice of the time and place of the hearing.

If neither the student nor the parent appears for a scheduled hearing after being given reasonable notice of the time and place of the hearing, the student and parent are deemed to have waived the right to a hearing.

If the student and parent fail to make a timely request for a hearing or if they waive the right to a hearing by failing to appear for a duly scheduled hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following this review, the superintendent (1) may impose the long-term or 365-day suspension if it is consistent with board policies and appropriate under the circumstances, (2) may impose another appropriate penalty authorized by board policy, or (3) may decline to impose any penalty.

If the student or parent requests a postponement of the hearing, or if the request for the hearing is untimely, the hearing will be scheduled, but the student does not have the right to return to school pending the hearing.

Based on substantial evidence presented at the hearing, the superintendent shall decide whether to uphold, modify, or reject the principal's recommendation. The superintendent shall immediately inform the principal of the decision regarding the recommended disciplinary penalty of a long-term or 365-day suspension and, when applicable, of any modifications to the penalty recommended by the principal.

The superintendent shall send notice of the decision via certified mail to the student and parent. The notice must include:

a. the basis of the decision, with reference to any policies or rules that the student violated;

b. notice of what information will be included in the student's official record

pursuant to G.S. 115C-402;

c. notice of the student's right to appeal the decision and the procedures for such appeal;

d. if the decision is to suspend the student for 365 days, notice of the student's right to petition the board for readmission under G.S. 115C-390.12;

e. if applicable, notice that the superintendent or designee is recommending to the board that the student be expelled and any required notifications related to the expulsion if the student did not already receive such notice from the principal or designee; and

f. if the student is to be suspended, notice of the superintendent's or designee's decision on whether to offer alternative education services to the student during the period of suspension, and, as applicable, a description of the services to be offered or the reason justifying the superintendent's or designee's decision to deny such services.

Following issuance of the decision, the superintendent shall implement the decision by authorizing the student's return to school upon the completion of any short-term suspension or by imposing the suspension reflected in the decision.

The superintendent shall offer alternative education services to any student who receives a long-term or 365-day suspension unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services are part-time or full-time programs that provide direct or computer-based instruction to allow the student to progress in one or more core academic courses. Such services may include programs described in policy 3470/4305, Alternative Learning Programs/Schools.

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

If the superintendent determines that expulsion is appropriate, the superintendent shall submit to the board a recommendation and the basis for the recommendation

along with any proposal for alternative education services.

4. Hearings Before the Board

a. Long-Term or 365-Day Suspensions

A student or his or her parent may appeal an imposed long-term or 365-day suspension. The student or parent must appeal to the board in writing within three days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and shall arrange in a timely manner a hearing before the board. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to Section B of policy 4370, Student Discipline Hearing Procedures. The board will provide to the student and parent and to the superintendent written notice of its decision not more than 30 calendar days after receiving the appeal.

b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the superintendent's recommendation that the student be expelled. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent shall notify the student and parent of the date, time, and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of policy 4370.

If a hearing is not requested by the student or parent, the superintendent shall submit written evidence to support his or her recommendation to the board. The board may elect to request a hearing or to request additional records and documents.

When the board decides to expel a student, the board will document the basis for its determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The board also will consider and make a written determination of whether alternative education services are to be provided to the expelled student. Regardless of whether the school system provides alternative education services, the board expects school system administrators to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The board will send via certified mail to the student's parent a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of this information under

G.S. 115C-402, and notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

C. EDUCATIONAL SERVICES FOR STUDENTS WITH DISABILITIES DURING LONG-TERM SUSPENSION, 365-DAY SUSPENSION OR EXPULSION

Students with disabilities recognized by the Individuals with Disabilities Education Act will receive educational services during periods of suspension or expulsion to the extent required by *Policies Governing Services for Children with Disabilities* and state and federal law.

D. REDUCING SUSPENSION AND EXPULSION RATES

Though the board believes that suspension or expulsion may be an appropriate and necessary consequence in certain situations, the board also recognizes that excessive use of suspension and expulsion may have a negative impact on academic achievement and graduation rates. Thus, the board encourages school administrators to find ways to reduce suspension and expulsion rates in the schools.

Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9; 115C-45(c)(2), -47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402; 130A-440; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Hearings Before the Board (policy 2500), Alternative Learning Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Criminal Behavior (policy 4335), School-Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: November 20, 2017

Reviewed: August 16, 2021

REQUESTS FOR READMISSION OF STUDENTS SUSPENDED FOR 365 DAYS OR EXPELLED

Policy Code: **4362**

All requests for readmission of students who have been suspended for 365 days or expelled will be considered in accordance with the procedures set out below.

A. REQUESTS BY STUDENTS SUSPENDED FOR 365 DAYS

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180th calendar day of his or her suspension. Upon receipt of the request, the superintendent or designee shall offer the student an opportunity for an in-person meeting to be held within five days. The student may provide documents in support of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student is participating in or has completed counseling or rehabilitation programs. If the student demonstrates to the satisfaction of the superintendent or designee that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

Within 30 days of the student's request, the superintendent or designee shall provide written notice of his or her decision to the student, the student's parents and the board. If the superintendent or designee decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the superintendent or designee rejects the request for readmission, the notice will advise the parents of the right to appeal the decision to the board. Any appeal to the board must be made in writing within five days of receipt of the superintendent's or designee's decision. The superintendent or designee shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500, Hearings Before the Board. The board will provide to the student, the student's parent and the superintendent or designee written notice of its decision within 30 days of receiving the appeal of the superintendent's or designee's decision.

If the request for readmission is denied, no subsequent requests from that student will be considered during that 365-day suspension.

B. REQUESTS BY EXPELLED STUDENTS

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student's expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500. After considering the student's request and the superintendent's or designee's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in

school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the student, the student's parents and the superintendent in writing of its decision within 30 days of the submission of the request for readmission.

If the board decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the student was expelled as a result of assaulting or injuring a teacher, the student will not be returned to that teacher's classroom following readmission without the teacher's consent.

If the expelled student's request for readmission is denied, the board will not consider a subsequent request for readmission of that student until six months after the submission of the previous request.

Legal References: G.S. 115C-47, -390.1, -390.12

Cross References: Hearings Before the Board (policy 2500), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: August 15, 2011

Reviewed: August 16, 2021

A. ADMINISTRATIVE HEARINGS

The rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be informal and conducted in private.

2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.

3. The hearing must be attended by the superintendent, the principal and/or assistant administrators and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.

4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.

5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.

6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.

7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person if the

questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.

9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

10. The superintendent or designee shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

B. BOARD HEARINGS

1. Appeal of a Long-Term or 365-Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker, and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative, and the school system's representative and will limit documentation to the records and evidence presented at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent's decision and the record created from any administrative hearing held. The board will review the superintendent's decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

2. Board Decision on Expulsion

The board will provide an opportunity for a hearing to review the superintendent's recommendation for expulsion. The rules established for administrative hearings will be followed, except that the superintendent or designee will represent the

school system and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards for expulsion established in policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

Legal References: G.S. 115C-45, -47, -276, -288, -390.1, -390.2, -390.7, -390.8

Cross References: Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: August 15, 2011

Reviewed: August 16, 2021

School attendance and class participation are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school.

Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. School administrators shall communicate attendance expectations to parents and guardians and work with students and their families to overcome barriers to attendance.

A. ATTENDANCE RECORDS

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Students will be considered in attendance if present at least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity.

To be in attendance during remote instruction days (with the exception of the initial enrollment day), students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled. School officials shall communicate the attendance procedures to students and their families before the first day remote instruction begins.

B. LATE ARRIVALS AND EARLY DEPARTURES

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends.

When a student must be late to school or leave school early, a written excuse signed by a parent or guardian should be presented upon the student's arrival at school. Tardies or early departures may be excused for any of the reasons listed below in Section C.

Any disciplinary consequences for unexcused tardiness or unexcused early departures from school or class will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for such offenses. Consequences may not exceed a short-term suspension of two days.

C. EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a health care practitioner. An absence may be excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;

2. isolation ordered by the local health officer or the State Board of Health or isolation or quarantine that is a required state or local control measure;

3. death in the immediate family;

4. medical or dental appointment;

5. attendance at the proceedings of a court or administrative tribunal if the student is party to the action or under subpoena as a witness;

6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent or legal guardian;

7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;

8. pregnancy and related conditions or parenting, when medically necessary;

9. a minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty or inactive member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; or

10. any other reason as approved by the board in a board resolution.

D. SCHOOL-RELATED ACTIVITIES

While recognizing the importance of classroom learning, the board also acknowledges that out-of-classroom, school-related activities can provide students with valuable experiences not available in the classroom setting. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;

2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);

3. school-initiated and -scheduled activities;

4. athletic events that require early dismissal from school; and

5. Career and Technical Education student organization activities approved in advance by the principal.

In addition, students participating in disciplinary techniques categorized as in-school suspension will not be counted as absent.

E. MAKEUP WORK

In the case of excused absences, short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school), the student will be permitted to make up his or her missed work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) Assignments missed due to participation in school-related activities also are eligible for makeup by the student. The teacher shall determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

F. UNEXCUSED ABSENCES

The principal shall notify parents and take all other steps required by G.S. 115C-378 for excessive, unexcused absences.

Any school disciplinary consequences for unexcused absences will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for such offenses. Consequences may not exceed a short-term suspension of two days.

G. CHRONIC ABSENTEEISM

Because class attendance and participation are critical elements of the educational process, any absences, whether excused or unexcused, can have a negative impact on a student's academic achievement. Regular attendance must be prioritized within each school and encouraged throughout the community. School administrators shall monitor and analyze attendance data to develop and implement strategies for reducing chronic absenteeism. Such strategies should involve engaging students and parents, recognizing good and improved attendance, providing early outreach to families of students missing school, and identifying and addressing barriers to attendance.

H. SPECIAL CIRCUMSTANCES

1. Students with Chronic Health Problems

   No penalties will be imposed for absences due to documented chronic health problems.

2. Students Experiencing Homelessness

   For students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

3. Attendance Requirements for Extracurricular Activities

   Absences may impact eligibility for participation in extracurricular activities. Principals shall inform students and parents of the applicable attendance standards for the various types of extracurricular activities, including interscholastic athletics. See also policy 3620, Extracurricular Activities and Student Organizations.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5, -407.12; 130A-440; 16 N.C.A.C. 6E .0102, .0103, .0106; State Board of Education Policies ATND-000, -003

Cross References: Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Homeless Students (policy 4125), Student Behavior Policies (policy 4300), Short-Term Suspension (policy 4351)

Other Resources: NC DPI Multi-Tiered System of Support Implementation Guide, available at https://www.livebinders.com/play/play?id=2957986#anchor

Adopted: October 18, 2010

Revised: August 15, 2011; June 17, 2013; December 9, 2015; May 18, 2015; June 14, 2016; November 20, 2017; March 29, 2018; July 8, 2019; August 16, 2021; August 8, 2022; March 20, 2023

The board will hold student fees to a minimum. No fee will be charged for required courses or activities. In addition, to the extent funds are made available for this purpose, no registration or exam fees will be charged for Advanced Placement courses, International Baccalaureate Diploma Programme courses, or Cambridge Advanced International Certificate of Education courses, including AS-Level or A-Level courses.

Each principal is required to submit a list of any fees to the superintendent prior to the August board meeting. The superintendent shall adopt procedures providing that student fees, including those for graduation, the school yearbook or supplies for elective classes, are consistent among the different levels and schools. The board must approve all fees. The superintendent shall submit the schedule of approved fees and charges to the superintendent of public instruction.

Any fees imposed will be waived or reduced for students who demonstrate economic hardship. The superintendent shall establish procedures to review requests for fee waivers or reductions.

Each principal shall publish or post the schedule of fees and notify students and parents of the availability of and the process for requesting a fee waiver or reduction, as provided in policy 1310/4002, Parental Involvement.

Legal References: N.C. Const. art. IX, § 2(1); G.S. 115C-47(6), -174.26(a), -216(g), -384

Cross References: Parental Involvement (policy 1310/4002)

Adopted: August 4, 1980

Revised: November 1, 1999; October 18, 2010; March 19, 2012; November 20, 2017

Reviewed: August 16, 2021



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All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of student records retained at the school. For purposes of this policy "student records" or "student education records" are those records, files, documents, and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

A. ANNUAL NOTIFICATION OF RIGHTS

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student's education records and the procedure for exercising this right;

2. the right to request amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;

3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;

4. the type of information designated as directory information and the right to opt out of release of directory information;

5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;

6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;

7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Student Privacy Policy Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

For purposes of this policy, the term "parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student's records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student's records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

1. Student Education Records

Student education records may be separated into several categories, including, but not limited to, the following.

a. Cumulative Records

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student's name, address (or a homeless student's living situation), sex, race, birthplace, and birth date; family data including the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

b. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

c. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

d. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

e. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with

G.S. 7B-3100. These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

f. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy.

2. Records Not Considered Education Records (Sole Possession, Employment, and Law Enforcement Records)

Student education records do not include, and release of information under this policy does not apply to:

a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed

to any other person except a substitute;

b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and

c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. However, a law enforcement record containing information that was obtained from a student's confidential file or other education record must be treated as an education record and may be released only in accordance with this policy.

D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include only the substitute address provided by the NCACP and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

E. RECORDS OF MISSING CHILDREN

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

F. RECORDS OF CHILDREN OF MILITARY FAMILIES

In compliance with the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and G.S. 115C-407.12, school administrators shall assist in the timely enrollment of children of military families, as defined by policy 4050, Children of Military Families, by facilitating the transfer of their educational records.

1. For Students Leaving the School System

   In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

   When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the student's new school within 10 days.

2. For Students Enrolling in the School System

   Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

   Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT

1. Review by Parent or Eligible Student

   A parent or eligible student may access the student's education records upon proper request. The principal or guidance office personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete education records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any education records if there is an outstanding request to inspect or review the records.

2. Review of Video or Audio Recordings and Photographs

   a. Parent's Right to Review

Upon request, a parent or eligible student may inspect and review a video or audio recording or photograph that is determined to be an education record of the student. Individuals acting on behalf of a parent or eligible child, such as advocates or attorneys, will not be permitted to review a video or audio recording or photo unless accompanied by the parent or eligible student.

b. Status as Education Record

A video or audio recording or photo will be deemed an education record of the student if it is directly related to the student and is maintained by the school system or its agent, as provided by law. A photo, video, or audio recording (such as a surveillance video), that is created and maintained by a law enforcement unit for a law enforcement purpose, is not an education record; however, a copy of such photo, video, or audio recording provided to the school for disciplinary or other school purposes may be an education record if it is directly related to a student and is maintained by the school system.

c. Records of More Than One Student

If the recording or photo is an education record of multiple students, the school system shall make reasonable efforts to redact or segregate out the portions of the recording or photo directly related to other students before providing the parent or eligible student access, provided doing so would not destroy the meaning of the record. If redaction or segregation of the recording or photo cannot reasonably be accomplished or would destroy the meaning of the record, then the parent of each student to whom the recording or photo directly relates or such eligible students themselves shall be permitted to access the entire record.

d. Copies of Recordings and Photos

A copy of a video or audio recording or photo will be provided to a parent or eligible student only (1) if circumstances effectively prevent the parent or eligible student from exercising the right to inspect the recording or photo, such as when the parent no longer lives within commuting distance of the school system; (2) when directed by a court order or subpoena; or (3) when otherwise required by law.

3. Request to Amend the Education Record

A parent or eligible student has the right to challenge an item in the student education record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item.

Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 1740/4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

Before releasing or disclosing education records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

1. Release/Disclosure with Parental Consent

   School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

2. Release/Disclosure without Parental Consent

   School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

   Personally identifiable information from a student's record may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior written consent of the parent or eligible student.

   The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those education records in which they have legitimate educational interests.

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement.)

a. The board designates the following student record information as directory information:

(1) name;

(2) address;

(3) telephone listing;

(4) email address;

(5) photograph or digital image, including still or video images of a student engaged in ordinary school activities;

(6) date and place of birth;

(7) participation in officially recognized activities and sports;

(8) weight and height of members of athletic teams;

(9) dates of attendance;

(10) grade level;

(11) diplomas (including endorsements earned), industry credentials/ certifications, and awards received; and

(12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released except as required by law.

c. Information about a homeless student's living situation is not considered directory information and will not be released.

d. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such

information is designated directory information by the school system. In addition, secondary school students' email addresses (which will be the email addresses provided by the school, if available) must be provided to military recruiters upon request. Students or their parents, however, may request that the student's name, address, email address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:

(1) specify the types of organizations that are eligible to receive directory information and for what purposes;

(2) provide for equal disclosure to organizations that are similar in purpose; and

(3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. DESTRUCTION OF STUDENT RECORDS

To the extent required by law, school officials shall maintain student records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

School officials shall notify parents and eligible students prior to the destruction of personally identifiable information in a student's special education records so that parents may collect the records from the school system if desired. Special education records must be destroyed at the request of parents if no longer needed to provide educational services to the child, including services to protect the safety of the student or others. However, a record of a student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained permanently.

L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; 10 U.S.C. 503(c)(1); G.S. 7B-302, -3100, -3101; 14-208.29; 115C-47(26),

-109.3, -402, -403, -404, -407.5; 116E-6; *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: May 8, 2000

Revised: June 17, 2002; February 3, 2003; October 8, 2010; February 18, 2013; October 21, 2013; February 8, 2016; February 6, 2017; March 29, 2018; August 16, 2021; August 8, 2022; March 20, 2023

CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION

Policy Code: **4705/7825**

The board recognizes the need to protect students and employees from the improper release of social security numbers and other personal identifying information. To this end, the board requires that all school employees comply with the Identity Protection Act of 2005 and any other federal and state laws governing the collection, use and disclosure of personal identifying information. No person may knowingly disclose, transfer or unlawfully use the social security number or other personal identifying information of any employee, student or other individual.

For purposes of this policy, personal identifying information includes: social security numbers; employer taxpayer identification numbers; drivers license numbers; state identification card numbers; passport numbers; checking accounts; savings accounts; credit card and debit card numbers; personal identification (PIN) codes; digital signatures; any numbers or information that can be used to access an individual's financial resources; biometric data; fingerprints; and passwords.

The superintendent shall establish rules and regulations to implement this policy. These rules and regulations will provide that:

1. the confidentiality of social security numbers and personal identifying information is maintained consistent with legal requirements;

2. the unlawful collection, disclosure and use of social security numbers and personal identifying information are prohibited;

3. access to and dissemination of information or documents containing social security numbers and personal identifying information is limited internally within the school system and externally with the general public;

4. documents containing social security numbers and personal identifying information are disposed of properly;

5. social security numbers and personal identifying information are redacted from public documents;

6. social security numbers and personal identifying information are collected only when specifically authorized by law or if collection is imperative for the performance of the school system's duties and such need has been clearly documented;

7. board procedures governing the maintenance and destruction of records are followed for all documents containing social security numbers and other personal identifying information; and

8. in the event of a security breach, in which personal information is accessed and acquired

without authorization, the notice requirements of G.S. 75-65 are followed.

This policy and its rules will be published in the appropriate handbooks, manuals and other similar documents.

Any individual who fails to comply with this policy and the superintendent's rules and regulations will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees. In addition, such person may be subject to criminal prosecution.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 14-113.20; ch. 75, art. 2A; 132-1.10; 143-64.60

Cross References: Confidential Information (policy 2125/7315), Student Records (policy 4700), Personnel Files (policy 7820)

Adopted: October 18, 2010

Reviewed: February 21, 2011, July 12, 2021

The superintendent shall ensure that all notification and other requirements of state law and the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students.

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic Survey

   For purposes of this policy, the following are considered a "protected topic":

   a. political affiliations or beliefs of the student or the student's parent;

   b. mental or psychological problems of the student or the student's family;

   c. sex behavior or attitudes;

   d. illegal, anti-social, self-incriminating, or demeaning behavior;

   e. critical appraisals of other individuals with whom respondents have close family relationships;

   f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

   g. religious practices, affiliations, or beliefs of the student or the student's parent; or

   h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

   For purposes of this policy, a "protected topic survey" is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

2. Rules Regarding Protected Topic Surveys

   a. Protection of Student Privacy

      The school system will take measures to protect the identification and privacy of students participating in any protected topic survey. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification and Consent

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys. At least 10 days prior to the administration of a protected topic survey, parents and eligible students (students who are 18 years of age or older or who are emancipated minors) will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey.

Parents will be provided notice of the opportunity to opt out of any protected topic survey given as part of the Centers for Disease Control and Prevention's Youth Risk Behavior Surveillance System or National Youth Tobacco Survey. Before a student will be permitted to participate in any other protected topic survey, the parent or eligible student must provide prior written consent.

B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy 1310/4002, Parental Involvement.

If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2, also apply.

C. OTHER SURVEYS CREATED BY A THIRD PARTY

Parents and eligible students have the right, upon request, to inspect any other survey created by a third party before the survey is administered or distributed to a student.

D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules for the collection, disclosure, and use of personal student information do not apply if the school system collects, discloses, or uses personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. college or other postsecondary education recruitment or military recruitment;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional material used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

5. the sale by students of products or services to raise funds for school-related or education-related activities; and

6. student recognition programs.

E. OTHER RELEVANT POLICIES

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement; 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student Records; and 5240, Advertising in the Schools.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -76.45(a)(3), -76.65, -402.15

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials (policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700), Advertising in the Schools (policy 5240)

Adopted: October 18, 2010

Reviewed: August 16, 2021

Revised: December 18, 2023; April 2, 2024

STUDENT RANDOM TESTING PROGRAM *Policy Code:* **4800**

Student participation in extra-curricular activities and the operation of a motor vehicle on school property are privileges and not vested rights. The use or abuse of alcohol or other prohibited substances by these students is likely to increase student injuries to the user or others with whom he/she is interacting. The Stokes County Board of Education believes that the adoption and implementation of this random alcohol and drug testing program will deter the use of alcohol and drugs by students.

PARTICIPATION

A. Participation in this program is mandatory for any student who elects to participate in any school sponsored extra-curricular activity or to operate a motor vehicle on school property.

B. Any other student may elect to participate voluntarily in this program.

C. For all participants in this program, the student and his/her parent(s) or other legal guardian must agree in writing for the student to submit to random testing for the presence of alcohol and such other prohibited substances as the superintendent may from time to time designate.

SUBSTANCE ABUSE PREVENTION COMMITTEE

The Stokes County Board of Education shall establish a Substance Abuse Prevention Committee which shall have the overall responsibility for implementing this program. This Committee shall establish procedures as need to implement this program fairly and efficiently and shall review and evaluate the effectiveness of the program on an annual basis. This evaluation shall include, but not be limited to, the effectiveness of the educational, counseling, and substance abuse components of the program, its procedural safeguards, and the list of substances tested. The Committee shall not have access to any personally identifiable test results.

TESTING PROCEDURES

The Committee in consultation with a contract provider selected by the Stokes County Board of Education shall establish procedures for testing and for the random selection of students for testing. Testing shall involve a laboratory analysis of a urine specimen. Collection and testing procedures shall ensure:

1. Randomness of selection procedures;
2. Proper student identification;
3. Identification of each specimen with the appropriate student participant;
4. Maintenance of the unadulterated integrity of the specimen;
5. Integrity of the collection and testing process, *i.e.* a secure chain of custody;
6. Confidentiality of test results;
7. An opportunity for a student who tests positive for alcohol or drugs to submit

appropriate documentation of any medications he/she is using to a medical review officer to explain the test results before the results are reported to school officials;

8. An opportunity for a student who tests positive to submit a portion of his/her urine sample to a private approved laboratory at the student's expense for a second confirming test.

CONSEQUENCES OF A POSITIVE TEST

The following actions shall be taken in response to a positive test administered through this program:

First Offense

In the event a student fails or refuses to participate in the alcohol/drug test when selected at random or tests positive for alcohol or drugs, the student shall be ineligible to participate in any extra-curricular activity or to operate a motor vehicle on school property for 365 calendar days. However, if the student agrees (a) to be assessed by Insight Human Services Inc. and (b) to enroll in and successfully complete an alcohol and/or drug abuse education and/or intervention program sponsored by or recommended by Insight Human Services Inc. and approved by the superintendent, the student shall retain his/her eligibility to participate in extra-curricular activities and to operate a motor vehicle on school property. The student's parent(s) or other legal guardian shall be responsible for all costs incurred in the student's participation in an alcohol and/or drug abuse education and/or intervention program.

Second Offense

In the event a student refuses to participate in a second alcohol/drug test when selected at random or tests positive for a second time, the student shall be ineligible to participate in any extra-curricular activity or to operate a motor vehicle on school property for 365 calendar days.

NOTIFICATION TO PARENTS

The contract provider, Insight Human Services Inc. shall provide to a student's parent(s) or other legal guardian the student's test results in a confidential manner. If a student tests positive for alcohol, drugs, or other prohibited substance, the report shall contain information regarding prevention and intervention programs available in the community. Test results shall not be a part of the student's education or discipline records. Test results shall not be released to any law enforcement officer or agency without a subpoena or other court order and following compliance with applicable legal requirements.

Legal References: G.S. 18B-301; Ch. 90, art. 5; 20-11(n1); 115C-47, -288, -307, -390, -391

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), School Level Investigations (policy 4340), Student Searches (policy 4342), Short-Term Suspension (policy 4351, Long-Term Suspension, 365 Days Suspension, Expulsion (policy

4353), Appeals of Consequences No Greater Than Short-Term Suspension (policy 4360), Appeals of Long-Term or 365 Days Suspensions (policy 4361), Relationship with Law Enforcement (policy 5120), Administering Medicine to Students (policy 6125)

Adopted: September 19, 2011

Revised: November 3, 2015

Reviewed: August 16, 2021

The board recognizes that the public schools are an integral part of the community and that the public has a vested interest in having students develop into productive members of the workforce and of society. The board encourages the community to be involved in the school system and to assist the school system in the goal of providing every student with the opportunity to receive a sound basic education.

Each year the board will ensure that the report card issued for the school system by the State Board of Education receives widespread distribution to the local press or to other local channels of news and information. In addition, the school system will publish on its website all information required by law, including assessment and performance information and information on how state funds have been used to address local educational priorities.

A. POLICIES

In making policy decisions, the board will keep in mind its commitment to providing all students in our community the opportunity to obtain a sound basic education.

The board's commitment to the wider community is expressed in various policies that address the relationship between the school system and the community, such as:

1. Parental Involvement (policy 1310/4002);
2. Title I Parent and Family Engagement (policy 1320/3560);
3. Public Records – Retention, Release, and Disposition (policy 5070/7350);
4. School Volunteers (policy 5015);
5. Compliance with the Open Meetings Law (policy 2320);
6. Registered Sex Offenders (policy 5022);
7. Distribution and Display of Non-School Material (policy 5210);
8. Community Use of Facilities (policy 5030); and
9. Visitors to the Schools (policy 5020).

B. SCHOOL ADMINISTRATORS

School administrators shall:

1. demonstrate a commitment to working with the community;

2. identify appropriate opportunities for community input;

3. communicate to the public the goals and objectives of the school system and the progress of the school system in meeting those goals and objectives; and

4. provide the public with school progress and performance reports as required by state and federal law.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301; G.S. 115C-12(9)c3, -36, -47, -83.10, -105.25(c); *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), Parental Involvement (policy 1310/4002), Title I Parent and Family Engagement (policy 1320/3560), Compliance with the Open Meetings Law (policy 2320), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Community Use of Facilities (policy 5030), Public Records – Retention, Release, and Disposition (policy 5070/7350), Distribution and Display of Non-School Material (policy 5210)

Adopted: February 6, 2017

Automatic telephone dialing systems ("autodialers") and short message service text messages ("text messages") can be used to communicate valuable information to students, parents, and the community regarding emergencies and other school-related matters. The superintendent and his or her designees are authorized to use system-wide and school-wide autodialers and text messages to send pre-recorded voice messages or text messages to members of the school community in accordance with applicable law and this policy.

A. DEFINITIONS AND TERMS

1. As used in this policy, "call(s)" and "autodialed call(s)" means a pre-recorded telephone message or a text message, when either is made using an automatic telephone dialing system.

2. "Automatic telephone dialing system" or "autodialer" means equipment which has (i) the capacity to store and produce telephone numbers to be called using a random or sequential number generator or a fixed set of numbers; and (ii) the capacity to dial such numbers.

B. AUTHORIZED USES OF AUTODIALED CALLS

School officials may make autodialed calls for emergency or informational purposes as follows:

1. Emergency Calls:

   a. School officials may call parents, guardians, or school personnel when the call is incident to a bona fide emergency potentially affecting the health and safety of students and/or school personnel, such as weather closures, fire, health risks, threats, and unexcused absences;

   b. School officials may call other members of the school community to make emergency public safety announcements when the announcements are relevant to the called party.

2. Informational Calls

   School officials may call parents, guardians, or school personnel for non-emergency purposes when the call is closely related to the school's educational mission, such as to provide notification of official system-wide or school-specific events or activities (e.g., parent-teacher conferences, surveys on school-related issues, immunization reminders).

C. PROHIBITED USES

1. Autodialed calls may not be used for commercial advertisement or marketing, political campaigning or promotion, or any other non-emergency purpose that is not closely related to the mission of the school or school system, without the express prior consent of the recipient to receive calls of that nature.

2. Autodialed calls may not be made for any non-emergency purpose to an individual who has notified the school that he or she does not wish to receive such calls.

D. CONSENT AND REVOCATION OF CONSENT

1. Before making any non-emergency autodialed call, school personnel must have consent from the recipient to receive such calls. Consent will be deemed to have been provided in certain situations, as described in the next paragraph. Consent is not required for emergency calls.

2. By providing a telephone contact number to the school system, parents, guardians, and school personnel are deemed to consent to receive non-emergency calls at that number for purposes that are closely related to the school's educational mission and consistent with this policy, such as to provide notification of official system-wide or school-specific events or activities.

3. Parents, guardians, and school personnel may revoke prior consent to receive non-emergency calls at any time. School officials shall honor revocation requests promptly.

E. MAINTAINING CONTACT INFORMATION

To minimize the risk of calling unintended recipients, the superintendent shall require principals and supervisors to update telephone contact information for parents, guardians, and employees on a regular basis.

F. REQUESTS FOR REMOVAL FROM CALLING LISTS

All autodialed calls must include an automated voice-interactive or key-press activated opt-out method for the recipient to opt out of future nonemergency calls.

Legal References: 47 U.S.C. 227, 47 C.F.R. 64.1200; *In re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Declaratory Ruling*, CG Docket No. 02-278, FCC 16-88 (Aug. 4, 2016), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-88A1.pdf; *In re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Declaratory Rule and Order*, CG Docket No. 02-278, WC Docket No. 07-135, FCC 15-72 (July 10, 2015), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-72A1.pdf

Cross References: School Safety (policy 1510/4200/7270), Schools and the Community (policy 5000), Emergency Closings (policy 5050)

Adopted: November 20, 2017

A. PRINCIPLES

The board encourages the development and participation of parent organizations that support the goals of the board and the school system. The board recognizes that parent organizations are an effective means of involving parents in their children's schools. The superintendent and school administrators shall inform parent organizations of specific goals for each school and shall help the parent organizations identify opportunities to assist the school in achieving those goals.

Participation in parent organizations is always voluntary. No student or parent will be required to participate in a parent organization as a condition of participation in a curricular or extracurricular school activity or program.

B. CONDITIONS FOR ESTABLISHING PARENT ORGANIZATIONS

Parent organizations, including PTAs, PTOs, and booster clubs, are not considered a part of the school system and may not represent themselves to students, parents, or others as official representatives of a school or the school system. However, because these organizations and their activities reflect upon the school system, all parent organizations must comply with the following conditions in order to operate in conjunction with the schools.

1. All parent organizations must provide the superintendent with a document describing the purpose of the organization and the general rules and procedures by which it will operate. Any later modifications to the organization's purpose or general rules and procedures also must be provided in writing to the superintendent.

2. Parent organizations must obtain prior approval from the principal for (a) any fund-raising event; (b) any purchase for the school; (c) any function involving the participation of students; or (d) any event that is likely to reflect upon the school or the school system.

3. Fliers and other literature displayed or distributed by parent organizations must comply with policy 5210, Distribution and Display of Non-School Material.

4. Parent organizations are responsible for maintaining their own financial records in accordance with the requirements of Section C. Employees of the school system are not permitted to serve as officers at the school in which they are assigned.

5. Parent organizations are expected to consider the cultural diversity and economic differences of students and parents in planning school-related functions.

The superintendent shall grant or deny parent organizations approval to operate at each school. Parent organizations that do not comply with board policies may have approval to operate within the school revoked by the superintendent. The superintendent shall provide a list of the approved parent organizations to the board annually.

C. FUNDS MANAGEMENT

Parent organization funds may be used only for purposes consistent with the goals, rules, and procedures of the organization. Adequate financial records, including sales slips, receipts, invoices, and any other documentation of expenditures, must be maintained and be accessible to parents and school officials on request.

Parent organization funds may be deposited only in an account maintained by the organization. All checks must be signed by the organization treasurer and either the organization president or vice-president. The organization president should periodically review the organization bank records, which must be reconciled by the organization treasurer at least monthly.

All financial documents and accounts of the parent organization must be in the name of the parent organization and not in the name of the school, the school system, or a specific school team or program. Bank accounts should reflect the official name of the parent organization and carry the parent organization's tax identification number. The school system's tax identification number may not be used on a parent organization's bank account or financial documents. The school system does not have any financial responsibility for the payment of obligations incurred by a parent organization.

D. DONATIONS TO THE SCHOOL SYSTEM

Any donation to the school system from a parent organization must be made in accordance with the process and requirements of policy 8220, Gifts and Bequests.

Legal References: G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: December 20, 2010

Revised: September 21, 2015, January 8, 2018, July 23, 2018

The board recognizes the valuable contributions that school volunteers make to the learning process and the educational goals of the school system. Instructional programs are enhanced through the contributions of students' parents, community members, and local business and industry. These volunteers contribute time, resources, and expertise that assist the school system to reach the goal of providing a sound basic education to all children.

The superintendent shall provide for parents to be notified of their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3.

The board encourages school administrators to develop and implement plans and procedures for utilizing school volunteers. The superintendent and designees are responsible for implementing and supervising school volunteer programs. School volunteer programs must provide the following:

1. adequate screening of volunteers based upon the amount of contact they will have with students;

2. the requirement that volunteers comply with policy 5020, Visitors to the Schools;

3. reasonable supervision of volunteers based at least in part upon the amount of contact they will have with students; and

4. adequate training of volunteers, including familiarizing volunteers with applicable laws, board policies, administrative procedures and school rules.

All school volunteers are expected to be professional and dependable in their volunteer activities.

Legal References: G.S. 115C-36, -47, -203 to -209.1

Cross References: Parental Involvement (policy 1310/4002), Visitors to the Schools (policy 5020)

Adopted: June 21, 2010

NON-EMPLOYEE AND VOLUNTEER ATHLETIC COACHES

Policy Code: 3625/5016

The Board recognizes that in order to provide a comprehensive athletic program, schools may need to contract with non-employees to assume coaching responsibilities as well as use the services of volunteer coaches.

The following requirements apply to the use of non- employees and volunteer athletic coaches.

1. Non-employee and volunteer coaches must be knowledgeable and skilled in sports safety and supervising students as well as in the particular sport(s) to be coached.

2. Non-employee and volunteer coaches must be approved by the board before they may work directly with students.

3. Non-employee coaches must work under the direct supervision of any Stokes County School employee (coach) at any school for at least the first two years of coaching service. The superintendent may recommend a waiver of this requirement to the Board.

4. Volunteer coaches may not serve in head coaching positions and must at all times work under the direct supervision of a school employee.

5. Non-employee and volunteer coaches will abide by other specific requirements as outlined policy 3623, Interscholastic Athletics.

6. Unless more specifically addressed in this policy, all applicable provisions of policy 5015 apply to non-employee and volunteer coaches.

For purposes of this policy, a non-employee coach refers to a coach who has a services contract with Stokes County Schools and who is not an employee in accordance with the Internal Revenue Code and regulations.

Strategic Priorities: Safe, Orderly, and Caring Environment; Quality Personnel (policy 1100)
Legal References: G.S. 115C-47

Cross References: Interscholastic Athletics (policy 3623), School Volunteers (policy 5015)

Adopted: April 17, 2000
Revised: May 17, 2004; July 19, 2010; October 15, 2012; March 21, 2022
Reviewed: May 17, 2021

The board encourages the community and parents to be involved in and support the schools and the educational program of the schools.

A. OPPORTUNITIES TO VISIT THE SCHOOLS

To encourage involvement, the following opportunities are provided to visit the schools.

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.

2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in policy 5030, Community Use of Facilities.

3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.

B. REQUIREMENTS OF VISITORS TO THE SCHOOLS

While the school board welcomes visitors to the schools, the paramount concern of the board is to provide a safe and orderly learning environment in which disruptions to instructional time are kept to a minimum. The superintendent and each principal shall establish and enforce reasonable rules to address this concern.

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal shall ensure that signs are posted in the school to notify visitors of this requirement.

2. School visitors are expected to comply with all school rules and school board policies, including policy 5025, Prohibition of Drugs and Alcohol; policy 5026/7250, Smoking and Tobacco Products; and policy 5027/7275, Weapons and Explosives Prohibited.

3. Persons who are subject to policy 5022, Registered Sex Offenders, must comply with the provisions of that policy.

C. ADDITIONAL REQUIREMENTS OF PROBATION OFFICERS

To minimize disruption to student learning and school operations, the board establishes the following additional requirements for visits by probation officers during the school day:

1. Probation officers may not visit students on school property during school hours unless the visit is conducted through the Section of Community Corrections' School Partnership Program.

2. Visits by probation officers must be authorized in advance by the school principal or designee or be the result of a request for assistance by a guidance counselor or school resource officer. The principal or designee at each school shall coordinate with probation officers to plan and schedule visits to occur at times least disruptive to the student's academic schedule and to school operations.

3. To protect the privacy of students, the principal or designee shall designate a private area for probation officers to meet with students away from contact with the general student population. Initial contact with the student will be made by a designated school employee, who shall direct the student to the private area to meet with the probation officer.

4. Probation officers may not initiate direct contact with any student while the student is in class or between classes.

5. All visits must be conducted in accordance with this policy and any additional guidelines developed by the superintendent or designee.

D. UNAUTHORIZED, DISRUPTIVE, OR DANGEROUS VISITORS

If a school employee becomes aware that an individual is on a school property without having received permission or that an individual is exhibiting unusual, threatening, or dangerous behavior, the employee must either direct the individual to the administrative office or notify the principal, designee, or school resource officer, depending on the circumstances.

If a school employee suspects that an individual is on school property in violation of policy 5022, Registered Sex Offenders, the employee must immediately notify the principal, designee, or school resource officer.

Students will be instructed to notify a school employee of any unusual or suspicious behavior by visitors. School employees shall inform the principal or designee immediately of a student's report of suspicious behavior on the part of a school visitor.

When an individual disrupts the educational environment, acts in a disorderly manner, damages school property, or violates board policy or the law, the principal or designee has authority to:

1. order the individual to leave school property;

2. notify law enforcement; or

3. take any other action deemed appropriate under the circumstances.

Failure to comply with a request to leave school grounds may result in the filing of trespass charges or other charges as appropriate against the offending individual.

The superintendent, upon recommendation from the principal, may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds.

Legal References: G.S. 14-132, -132.2, -159.11, -159.12, 159.13, -208.18; 115C-46.2, -523, -524, -526

Cross References: Registered Sex Offenders (policy 5022), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Community Use of Facilities (policy 5030)

Adopted: June 21, 2010

Revised: December 20, 2016; February 18, 2013; December 14, 2018

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

A. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY

In accordance with G.S. 14-208.18, all persons, who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of (a) any offense in Article 7B of Chapter 14 of the General Statutes, (b) any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in Article 7B, or (c) any offense in which the victim was under the age of 18 years at the time of the offense (or **under the age of 16 years** *if the offense was committed before 9/11/2016*), are expressly forbidden to knowingly be present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses, or other property of any kind for any reason, including attendance at sporting events or other school-related functions, whether before, during, or after school hours. In addition, sex offenders subject to G.S. 14-208.18 may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders regardless of their relationship to or affiliation with a student in the school system. (Refer to the North Carolina Attorney General's publication *The North Carolina Sex Offender & Public Protection Registration Program*, p.13, for a description of which offenders are subject to G.S. 14-208.18 and thus, this policy.)

B. ENFORCEMENT

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

C. EXCEPTIONS

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

1. Students

Students who are subject to G.S. 14-208.18 may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

Voters who are subject to G.S. 14-208.18 and are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must notify the principal of the school that he or she is registered under the Registry Program and the voter must remain at all times in the portion of the school being used as the polling place. The voter must leave school grounds immediately after voting.

3. Parents or Guardians

a. An individual who is subject to this policy and is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

1) to attend a scheduled conference with school personnel to discuss the child's academic or social progress; or

2) at the request of the principal or designee, for any reason relating to the welfare or transportation of his or her child.

b. For each visit authorized by the principal in accordance with subsection (a) above, the parent or guardian must provide the principal with prior written notice of his or her registration on the Sex Offender Registry and notice of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.

d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location, and length of meeting.

D. CONTRACTUAL PERSONNEL

In order to ensure compliance with this policy, each contract executed by the board must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. Persons who are subject to Section A of this policy may not be sent onto school property for any reason.

In addition, each time the board enters into any contract or agreement for contracted services that involve direct interaction with children, the contract must include a provision that requires the other party to the contract to conduct an annual check of the National Sex Offender Registry on all contracted employees who may have direct contact with children.

No contractor or employee of a contractor registered with the State Sex Offender and Public Protection Program, the State Sexually Violent Predator Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7B, 14-208.18, -208.19; 115C-332, -332.1

Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260), Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

Other References: *The North Carolina Sex Offender & Public Protection Registration Programs*, North Carolina Department of Justice (September 2014), available at http://ncdoj.gov/Protect-Yourself/Find-Sex-Offenders/SexOffenderRegPrograms.aspx

Adopted: February 6, 2017

EMERGENCY EPINEPHRINE AUTO-INJECTOR DEVICES

Policy Code: **5024/6127/7266**

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific prescription. Student-specific orders for epinephrine auto-injector devices are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine auto-injector devices are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine auto-injector devices. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine auto-injector devices that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine auto-injector devices provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine auto-injector device are expected to provide such devices for their use at school. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted: May 18, 2015

Reviewed: August 16, 2021

The board prohibits the possession or use of illegal drugs and the possession or consumption of alcoholic beverages, including beer, malt liquor, and wine, on property owned or occupied by the school system. Any person who possesses, consumes, uses, or appears to be under the influence of alcoholic beverages or illegal drugs will be asked to leave the school property or event immediately and, if he or she fails to do so, may be arrested and prosecuted for criminal trespass, disorderly conduct, or any other charge that may be appropriate.

Student conduct is further governed by policy 4325, Drugs and Alcohol. Employee conduct is further governed by policy 7240, Drug-Free and Alcohol-Free Workplace.

Legal References: 21 U.S.C. 812; 21 C.F.R. 1300.01-.04 and 1308.11-.15; G.S. 18B-301; 90-89 to -94; 115C-36, -40, -47

Cross References: Drugs and Alcohol (policy 4325), Community Use of Facilities (policy 5030), Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: December 20, 2010

Revised: December 14, 2018

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term "tobacco product" means any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers, and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.

2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.

3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.

5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.

7. All school personnel are required to adhere to and enforce this policy and other policies,

rules, or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted: November 23, 2015

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Except as otherwise specified in this policy, employees, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed. This policy does not apply to students. Student conduct related to weapons and explosives is governed by policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer, as appropriate.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

2. a person who has a concealed handgun permit that is valid under state law or who is exempted by state law from needing a permit to carry a concealed handgun, if any of the following conditions are met:

    a. the person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);

    b. the person has a handgun concealed on the person and the person remains in a locked vehicle (the person may unlock the vehicle to allow another person to enter or exit); or

    c. the person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move it to a closed compartment or container within the vehicle or to move it from the closed compartment or container to concealment on the person.

3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties;

4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or

5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333)

Adopted: February 6, 2017

AUTOMATED EXTERNAL DEFIBRILLATOR *Policy Code:* **5028/6130/7267**

The board is committed to providing a healthy and safe environment for its students, employees, and visitors. To provide opportunities for assistance to individuals who experience sudden cardiac arrest on school property, the board authorizes the placement of automatic external defibrillators (AEDs) in designated locations in schools and other board-owned or operated facilities and at designated events to be accessed by medical practitioners and other trained persons.

To the extent funding, staff, and training are available, the superintendent is authorized to acquire AEDs for use at designated schools and events. The superintendent is further authorized to develop a program to address access to and training, use, and maintenance of AEDs in the school system. All such AEDs and any program developed must comply with the requirements of state and federal law.

The superintendent, in consultation with medical professionals trained in cardiopulmonary resuscitation (CPR) and AED use, shall develop procedures to implement this policy. Procedures must include information regarding:

1. Medical/healthcare provider oversight: Choice of AED devices will be made in consultation with a physician licensed by the state of North Carolina. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.

2. CPR and AED use training for anticipated responders: Training will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Appropriate records of training will be maintained.

3. Coordination with the emergency medical services (EMS) system: Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.

4. Appropriate device maintenance and testing.

5. Placement of AEDs.

The superintendent or designee shall report to the board on the plan for and actual use of AEDs in the school system. The superintendent shall designate a program coordinator to manage the AED program in the schools.

Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. The board cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

The board and its employees expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in North Carolina General Statutes 90-21.14, 90-21.15 and 115C-375.1 and federal statute 42 U.S.C. 238q.

Legal References: G.S. 90-21.14, -21.15; 115C-375.1; 42 U.S.C. 238q

Cross References: Student Health Services (policy 6120)

Other References: *N.C. Emergency Guidelines for Schools*, (NCDHHS 2009), available at http://www.nchealthyschools.org/resources/; *Implementing an AED Program*, (American Heart Association 2012), available at http://www.heart.org/idc/groups/heart-public/@wcm/@ecc/documents/downloadable/ucm_438703.pdf

Adopted: June 14, 2016

Revised: August 16, 2021

SERVICE ANIMAL

POLICY CODE: 4202/5029/7272

The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property subject to the requirements of this policy. If necessary, the superintendent may establish administrative regulations for the use of service animals on school property.

A. DEFINITION OF "SERVICE ANIMAL"

A "service animal" for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purposes of this policy.

B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES

1. Introduction of a Service Animal

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

a. The employee, student, or student's parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.

b. The employee, student, or student's parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:

1. appropriate training for school personnel and students regarding interaction with the service animal;

2. arrangements for meeting the service animal's basic needs during the school day;

3. any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and

4. when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.

c. It is recommended, but not required, that the service animal wear identification to provide adequate notice to students, school personnel, and school visitors that the dog is a service animal.

d. The service animal should be free of parasites and otherwise in good health.

2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.

b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.

c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.

d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

The principal or designee shall notify all security personnel of the existence and possible locations of any service animals on school property.

C. **USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

D. **LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both, may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

E. **EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

2. The animal is out of control and the animal's handler does not take effective action to control it.

3. The animal is not housebroken.

4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

The superintendent's decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

Cross References: Discrimination, Harassment, and Bullying Compliant Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

Adopted: September 19, 2011
Reviewed: June 21, 2021

The board endorses the goals of the Community Schools Act. The board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the board's use of the facilities. Public use is subject to Section H of this policy.

A. GENERAL PRINCIPLES

Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups are not permitted to use school facilities.

Use of school facilities will not be approved for activities that do any of the following:

1. violate federal, state, or local laws;

2. violate board of education policies or regulations;

3. advocate imminent violence;

4. damage or have the potential to damage school buildings, grounds, or equipment; or

5. are in conflict with scheduled school activities.

B. PRIORITY IN USE/FEE STRUCTURE

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying). All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163-129, as a polling place on election days

2. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations, and booster clubs)

Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other supervisory services may be charged.

3. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions

   Fees: Custodial and utility fees may be charged.

4. Local government, Relay for Life, youth organizations, and groups that primarily serve the students of Stokes County, including, but not limited to, scouts and 4-H.

   Fees: Custodial fees and utility fees for the use of facilities may be charged.
   If custodial services are required, custodial fees will be charged.
   If a kitchen is used, a school cafeteria employee must be present and a kitchen fee will be charged.

5. All other non-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

   Fees: Rental, kitchen, utility, and custodial fees will be charged.

At any time, if a group leaves the facility disorderly, a custodial fee of no less than $25 per hour will be charged. If a group damages the facility, the group will be charged for the damages.

Prior to the beginning of each school year, the superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

C. REQUESTS FOR USE OF FACILITIES

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Facility use request forms will be available in the school administrative office.

D. FACILITIES AVAILABLE FOR USE

The board permits eligible individuals or groups to use the facilities of those schools designated by the board as "community schools." A list of community schools and the facilities at each site that is available for community use will be available to the public at the superintendent's office and each principal's office.

The superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use

are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds.

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent or designee. The superintendent is authorized to determine the fees for the use of facilities in such circumstances.

E. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the superintendent. A copy of the regulations will be provided to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal.

2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.

3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).

4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Alcoholic Beverages).

5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and policy 5027/7275, Weapons and Explosives Prohibited.

6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

A user's violation of the provisions of this policy or any applicable regulations is grounds for suspending the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the superintendent and the board of education.

F. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with total limit coverage of $1,000,000 for each claim made with Stokes County Board of Education as an additional insured. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

G. TERM AND ACCEPTANCE OF LEASE

The superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The superintendent shall inform the board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of Board-Owned Real Property.

H. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules to be established by the superintendent or designee. Public use will be permitted only to the extent that it 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The superintendent is authorized to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

I. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35;

Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq*.; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; 163-129

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Alcoholic Beverages (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

Adopted: December 5, 1977

Revised: September 16, 1985; January 1, 1989; September 8, 1989; October 6, 1992; May 6, 1996; April 17, 2000; May 6, 2002; July 20, 2009; August 17, 2009; March 19, 2012; November 23, 2015; June 14, 2016; November 20, 2017; September 17, 2018

USE OF UNMANNED AIRCRAFT (DRONES)

Policy Code: **4334/5035/7345**

The board supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. An "unmanned aircraft" or "drone" is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.

2. The "use" of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.

3. "School property" includes any property that is owned, leased, or otherwise controlled by the board.

4. Use of an unmanned aircraft is for a "recreational" purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

B. AUTHORIZED USE OF UNMANNED AIRCRAFT

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of the registration, certification, permit, and/or waiver required by the FAA and/or NCDOT to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

   An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

   An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 ("Part 107"). In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.

2. Use by a Recreational Flyer

   A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT

1. FAA Safety Guidelines

   A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

   a. The unmanned aircraft must be registered with the FAA and marked with the registration number.

   b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification unless flying within an FAA-recognized identification area.

   c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.

   d. The operator must keep the unmanned aircraft within his or her visual line of sight at all times.

e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).

f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.

g. The operator must not fly the unmanned aircraft near emergency response activities.

h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.

i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the board.

a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.

b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.

c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.

d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.

e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent. As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.

f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.

g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.

h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.

i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.

j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf; Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf; G.S. 14-7.45, -280.3, -401.24, -401.25; 15A art. 16B; 63 art. 10; 113-295; North Carolina High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at https://www.faa.gov/uas/; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx

Adopted: August 16, 2021

Revised: August 8, 2022; April 2, 2024

The superintendent shall develop procedures for the temporary closing of a school or all schools in the school system because of inclement weather or any other unforeseen occurrence that presents a threat to the safety of students and employees or causes major damage to school property. The superintendent shall notify parents, the news media and other interested parties of a decision to close a school or schools as soon as it is feasible to do so under the circumstances.

Legal References: G.S. 115C-36, -47

Cross References:

Adopted: February 21, 2011

A. OPPORTUNITIES TO ADDRESS CONCERNS AND COMPLAINTS

The board is committed to providing an effective means for parents and the community to voice concerns and complaints. The board also strives to resolve concerns and complaints whenever possible. To this end, the board has established the following processes:

1. informal resolutions of specific concerns (see Section B, General Process, below);

2. public hearings and public comments at board meetings on subjects of concern to parents and the community (policy 2310, Public Participation at Board Meetings);

3. a procedure for parental concerns regarding the curriculum (policy 3210, Parental Inspection of and Objection to Instructional Materials);

4. specific processes for addressing disciplinary consequences (policies in the 4300 series);

5. processes as provided by law for students with disabilities (policies 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, 3520, Special Education Programs/Rights of Students with Disabilities, and 4307, Disciplinary Action for Exceptional Children/Students with Disabilities);

6. a grievance procedure for addressing concerns regarding specific decisions, especially when there are concerns that board policy or law has been misapplied, misinterpreted, or violated (policy 1740/4010, Student and Parent Grievance Procedure); and

7. procedures for reporting and resolving complaints of discrimination, harassment, or bullying on the basis of sex, disability, or other personal characteristic (policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures; and 4329/7311, Bullying and Harassing Behavior Prohibited).

Numerous other policies provide opportunities for parental input, including policy 1310/4002, Parental Involvement.

B. GENERAL PROCESS

Complaints that are not specifically designated to be addressed in other policies should be addressed in the following manner.

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.

2. Any board member or employee receiving a complaint should verify that the complaint has been appropriately referred to him or her and if not, assist the complainant by identifying the appropriate personnel to receive the complaint.

3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.

4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators, students, and parents, should discuss the issue and make recommendations to appropriate personnel or to the board.

The superintendent shall communicate the requirements in this policy to board members and employees on a regular basis.

Legal References: G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Public Participation at Board Meetings (policy 2310), Parental Inspection of and Objection to Instructional Materials (policy 3210), Special Education Programs/Rights of Students with Disabilities (policy 3520), Student Behavior Policies (4300 series), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Bullying and Harassing Behavior Prohibited (policy 4329/7311)

Adopted: November 23, 2015

Revised: February 15, 2021; August 19, 2024

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Any report received from the Teachers' and State Employees' Retirement System pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

1. Name.

2. Age.

3. The date of original employment or appointment.

4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.

5. Current position.

6. Title.

7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).

8. The date and amount of each increase or decrease in salary with the board.

9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.

10. The date and general description of the reasons for each promotion with the board.

11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.

12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

B. DESIGNATION OF RECORDS OFFICER

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

1. Duties of the Records Officer

   The duties of the records officer include the following:

   a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;

b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;

d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;

e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and

f. reviewing appeals of any denial of a request for public records.

2. Other Duties

A designated electronic records officer, or other employee(s) as determined by the superintendent, shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase, or other means, to ensure they are designed and maintained in a manner that:

a. will not impede the school system's ability to permit public inspection and examination of public records; and

b. provides a means of obtaining copies of such records.

C. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request, and information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

D. FEES FOR COPIES OF PUBLIC RECORDS

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school

system shall not charge any fees for separating confidential information that is commingled with public records.

E. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records. See policy 4700, Student Records.

F. DESTRUCTION OF PUBLIC RECORDS

To the extent required by law, school personnel shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The superintendent may establish regulations for the destruction of records in accordance with the approved schedules.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: March 12, 2012

Revised: October 21, 2013; November 24, 2014; February 8, 2016; March 29, 2018; August 8, 2022

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code: **5071/7351**

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). To the extent required by law, school personnel shall maintain ESI in accordance with this policy and/or the applicable records retention and disposition schedule(s) ("Schedule") issued by the North Carolina Department of Natural and Cultural Resources.

School business-related ESI sent and/or received by an employee using a personal technology device or account is subject to this policy and policy 3228/7323, Use of Personal Technology to Conduct School Business.

A. SYSTEM-WIDE EMAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All emails produced and received using the school system email platform are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related emails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such emails, in hard copy or electronic format, for the applicable time period. For ESI other than email, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney, and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release, and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other Resources: *Digital Records*, State Archives of North Carolina, https://archives.ncdcr.gov/government/digital-records

Adopted: December 20, 2010

Revised: February 8, 2016; March 29, 2018; August 16, 2021; August 8, 2022; July 20, 2026

NORTH CAROLINA
ADDRESS CONFIDENTIALITY PROGRAM

Policy Code: **4250/5075/7316**

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students, or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking, or human trafficking to prevent a victim's assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant's actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General's Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address. Students, parents, or school personnel enrolled in the Address Confidentiality Program must provide a valid authorization card if they wish to keep their home address confidential.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address, and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system, and will be redacted from any record released pursuant to G.S. 115C-320, provided the employee has provided a valid authorization card to the superintendent or designee. (See policies 5070/7350, Public Records – Retention, Release, and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public, provided the student or parent has provided a valid authorization card to the principal. Student records will reflect only the substitute address and not the student's actual address. The student's telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student's name be withheld from any release of

directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program to ensure confidentiality of the student's new location.

D. DISCLOSURE PROHIBITED

The knowing and intentional disclosure of a program participant's actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: August 16, 2010

Revised: May 15, 2014; November 20, 2017

Reviewed: June 21, 2021

RELATIONSHIP WITH OTHER GOVERNMENTAL AGENCIES

Policy Code: **5100**

Productive working relationships with other governmental agencies are critical to the school system's efforts to provide safe, orderly and inviting learning environments in which students can succeed in the educational program. These relationships also are necessary to coordinate services so that various governmental agencies can strive to meet the needs of students in an efficient and effective manner.

School administrators are expected to develop and maintain productive working relationships with other governmental agencies. Any contracts or specific agreements regarding working relationships with other governmental agencies must be approved by the board.

Legal References: G.S. 115C-36, -47

Cross References:

Adopted: December 20, 2010

RELATIONSHIP WITH COUNTY COMMISSIONERS

Policy Code: **5110**

The board strives for a productive working relationship with the board of county commissioners so that sufficient funding is provided to meet the educational goals that the board has established for the school system. The board will seek opportunities to inform the county commissioners about the needs of the school system through a five-year capital outlay plan, the annual budget, and other documents and reports the board deems necessary. The board welcomes periodic joint meetings between the boards as a means of strengthening the relationship with the board of county commissioners, clarifying expectations regarding the budget process, and educating the commissioners on the needs of the school system.

The superintendent shall develop a productive working relationship with the county manager. The superintendent is encouraged to initiate periodic meetings with key administrative personnel of the school system and county government.

Legal References: G.S. 115C-36, -47, -426, -427

Cross References:

Adopted: February 21, 2011

RELATIONSHIP WITH LAW ENFORCEMENT

Policy Code: **5120**

The board recognizes the importance of law enforcement authorities in providing safe schools. The board desires an effective working relationship with law enforcement. To this end, the superintendent and principals are expected to communicate the needs of the schools and work with law enforcement officials in developing joint programs and in establishing protocols for handling situations in which the assistance of law enforcement is helpful or necessary. The superintendent shall establish procedures for school contacts with law enforcement agencies.

The superintendent shall ensure that local law enforcement have schematic diagrams, including digital schematic diagrams, of all school facilities and provide them updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. The superintendent shall also provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

School resource officers will be assigned duties as specified in a written understanding between the law enforcement agency and the school system.

Law enforcement officials, including school resource officers, should not initiate administrative investigations, including investigations to determine whether student behavior policies have been violated, but may be used to assist school officials in such investigations for safety or other reasons as determined necessary by the principal or designee. Law enforcement officials may be contacted to report possible criminal conduct on school premises or at school-sponsored activities. (See policy 4335, Criminal Behavior, for more information regarding mandatory reporting of certain criminal behaviors.) However, school officials will independently investigate violations of school rules or board policies even if such violations may also involve criminal behavior.

School administrators and employees are expected to cooperate in criminal investigations but should attempt to do so in a way that minimizes disruptions to the educational environment. Visits by probation officers to students during the school day must be in accordance with policy 5020, Visitors to the Schools.

Legal References: G.S. 115C-36, -47, -105.53

Cross References: School Safety (policy 1510/4200/7270), Criminal Behavior (policy 4335), Student Searches (policy 4342), Visitors to the Schools (policy 5020)

Adopted: February 8, 2016

STUDENT VOTER REGISTRATION AND PREREGISTRATION

Policy Code: **3640/5130**

The board is committed to securing the future of democracy by preparing young people to be educated, engaged voters. Further, the board is committed to working in collaboration with the local board of elections to encourage students who are sixteen years of age or older to register or preregister to vote as permitted by North Carolina law.

In keeping with this commitment, the board directs the superintendent to establish a committee of high school social studies teachers and other appropriate school personnel to collaborate with the local board of elections to facilitate and encourage voter registration and preregistration at all high schools in the school system.

The principal of each high school shall make the application forms described in G.S. 163A-862 available to all students and others who are eligible to register or preregister to vote.

Legal References: G.S. 115C-47(59), -81.45(c)(1)(b); 163A-860, -862, -888

Cross References: Citizenship and Character Education (policy 3530)

Adopted: November 20, 2017

Revised: March 29, 2018

Reviewed: May 17, 2021

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. 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; 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), 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), 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); Master Data Calendar, N.C. Department of Public Instruction, available at https://www.dpi.nc.gov/data-reports/data-calendar

Adopted: August 17, 2026

DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL

Policy Code: **5210**

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material will be limited in accordance with this policy and policy 5240, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term "non-school material" is defined in Section F below.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in Section F below) and by governmental agencies, educational institutions, and non-profit entities as permitted in Section C below. This policy does not apply to the distribution and display of materials by individuals or groups that are on school property in accordance with policy 5030, Community Use of Facilities. Except as provided in Section A below, this policy will not be construed as applying to or prohibiting the display of compliant political or farm signs permitted by G.S. 136-32.

A. DISPLAY OF COMPLIANT POLITICAL AND FARM SIGNS IN THE RIGHT-OF-WAY DURING DESIGNATED PERIODS

Any person may display compliant political or farm signs in the right-of-way of the state highway system in accordance with the standards established in G.S. 136-32, even if such right-of-way constitutes school grounds. Complaint political signs may also be placed in municipal street rights-of-way in accordance with the standards established in G.S. 136-32 and any applicable local ordinance.

Compliant political signs may be displayed in the right-of-way from 30 days before the first day of "one-stop" early voting to 10 days after the primary or election day. Compliant farm signs may be displayed in the right-of-way until the end of the farm's season. School officials may remove and dispose of any political sign remaining in the right-of-way more than 40 days after the primary or election day and may remove and dispose of any farm sign remaining in the right-of-way more than 30 days after the end of the farm's season. School officials shall observe any different rules established by applicable local ordinance for removal of political signs on municipal street rights-of-way.

School officials shall not remove any political or farm sign lawfully placed except as provided in this section but may request the Department of Transportation to remove a sign that is not in compliance with G.S. 136-32.

B. DISTRIBUTION AND DISPLAY BY STUDENTS

Students wishing to distribute or display on campus any publication, leaflet, or other written material that is not school-sponsored must submit the publication or material to

the principal for review prior to distribution. The principal shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in Section D below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the student may request review of the principal's decision as specified in Section E below.

C. DISTRIBUTION AND DISPLAY BY NON-STUDENTS

1. Distribution and display of "school-sponsored or curriculum-related publications and materials" as defined in Section F are permitted during the school day, on school grounds and at school activities.

2. Distribution and display of publications and materials by school-related groups that have received prior approval of the principal pursuant to the standards in Section D below and the standards for review of the decision in Section E below are permitted at reasonable times and places as designated by the superintendent. The term "school-related group" is defined in Section F. The superintendent shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.

3. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc.

4. Nothing in this policy will be construed to create a public forum that would allow non-students access to school property for the purpose of distributing or displaying non-school publications and materials.

D. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS

School officials shall apply the following standards to approve the distribution or display of all non-school material by individuals or groups authorized by this policy on school property:

1. While materials will not be screened for viewpoint, the reviewer shall prohibit the distribution or display of any publication or material that (a) is vulgar, indecent, or obscene; (b) contains libelous statements, personal attacks, or abusive language such as language defaming a person's character, race, religion, ethnic origin, sex, family status, or disability; (c) causes or clearly threatens to cause a material and substantial disruption of a school activity; (d) encourages the commission of unlawful acts or the violation of lawful school regulations; (e) is inappropriate considering the age of the students in the school; (f) contains information that is inaccurate, misleading, or false; or (g) advertises any product or service not permitted to minors by law.

The principal shall notify the superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the U.S. Constitution. The superintendent shall consult with the board attorney to determine the legally appropriate course of action.

2. The distribution of non-school material must not interfere with instructional time.

3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.

4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted for viewing and distribution to the public at school buildings used as polling places in accordance with state law and board of elections requirements.

   This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using these materials for instructional purposes shall not use his or her position to promote a particular candidate, party, or position on a specific issue. The teacher also shall attempt to use a variety of materials that represent balanced and diverse viewpoints on the political spectrum.

E. PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL MATERIALS

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the principal at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.

2. Within five school days, the principal shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request will be informed in writing of the

reasons for the denial or restriction.

3. Any request denied or restricted by the principal may be appealed in writing to the superintendent. The superintendent shall review the decision and render a decision within 10 school days. Any request denied by the superintendent may be appealed to the board of education. The board will review the request at its next regularly scheduled meeting. As appropriate, the superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.

4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

F. DEFINITIONS

The following terms used in this policy are defined as follows:

1. Obscene

   "Obscene" describes any speech or work that the average person, applying contemporary community standards (as opposed to "national standards"), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

2. Libelous Statement

   Libelous statements are false and unprivileged statements about a specific person that injure that person's reputation in the community.

3. Non-School Material

   Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

4. Material and Substantial Disruption

   A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction, or the rights of other students or school employees. Examples of material and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their

educational responsibilities.

5. School-Sponsored or Curriculum-Related Publications and Materials

   School-related materials or publications are: (a) materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b) materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays, and concerts); or (c) materials that are directly related to instruction.

6. School-Related Group

   School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, the PTO, teachers' and principals' organizations, and booster clubs.

The superintendent shall adopt necessary regulations to ensure that this policy is implemented throughout the school system.

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; 163-129, -166.4

Cross References: Community Use of Facilities (policy 5030), Collections and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

Adopted: December 5, 1977

Revised: February 3, 1986; February 17, 1986 (as policy 2420); April 17, 2000; June 30, 2003; October 10, 2005; April 2, 2024

Reviewed: December 20, 2010

COLLECTIONS AND SOLICITATIONS

Policy Code: **5220**

The board is committed to minimizing disruptions to instructional time and the educational environment. Collections and solicitations are discouraged and must not disrupt instructional time. Employees and students will not be required to contribute or respond to any collection or solicitation.

The superintendent shall develop regulations governing collections and solicitations. The regulations will specify the type and number of collections and solicitations permitted and an approval process for collections and solicitations subject to the following guidelines.

1. Outside organizations and/or sales representatives may not solicit individual employees or students during working hours or the school day unless prior written approval is granted by the principal or the superintendent.

2. As a general rule, students, school organizations, teachers and/or other school employees may not sell commercial products during the instructional school day.

3. Individuals and organizations must secure approval from the principal prior to conducting collections or solicitations on school grounds.

4. Fliers and other materials that are to be distributed or displayed in conjunction with an approved collection or solicitation must be approved by the principal based upon the criteria in section C of policy 5210, Distribution and Display of Non-School Material, and/or policy 5240, Advertising in the Schools.

Legal References: G.S. 14-238, 115C-36, -47

Cross References: Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240)

Adopted: December 20, 2010

PARTICIPATION IN RESEARCH PROJECTS *Policy Code:* **5230**

The board encourages agencies and individuals to conduct research on issues related to student achievement and the effective operation of the school system.

The superintendent may approve a request for participation in a research project if:

1. the research results ultimately may benefit students of the school system;

2. the project's purpose and methodology are compatible with the goals and objectives of the board and school system; and

3. the project will not disrupt instructional time.

The superintendent is encouraged to involve central office administrators, school administrators, teachers and parents in making this assessment. The superintendent shall report on approved research projects at the next regularly-scheduled board meeting.

A research project involving a survey of students must comply with policy 4720, Surveys of Students.

All research projects must comply with the confidentiality requirements of policy 4700, Student Records, and policy 4705/7825, Confidentiality of Personal Identifying Information.

Legal References: G.S. 115C-47, -230

Cross References: Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720)

Adopted: December 20, 2010

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, advertising for and promotion of commercial products and services are discouraged during the instructional day. School officials shall screen and approve the distribution and display of advertising materials and messages publicized through school media or displayed on school property and at school events.

A. APPLICABILITY OF POLICY

This policy is intended to govern requests to advertise products, services, programs, or activities on school property, at school events, or through school publications and other media by:

1. individuals;

2. non-profit organizations not otherwise permitted to distribute or display materials or messages by policy 5210, Distribution and Display of Non-School Material; and

3. for-profit organizations and businesses.

B. PROHIBITED ADVERTISEMENT MESSAGES

The board of education prohibits advertising that (1) is vulgar, indecent, or obscene; (2) contains libelous statements, personal attacks, or abusive language, such as language defaming a person's character, race, religion, ethnic origin, sex (including pregnancy, childbirth, sexual orientation, and gender identity), family status, or disability; (3) causes or clearly threatens to cause a material and substantial disruption of a school activity; (4) encourages the commission of unlawful acts or the violation of lawful school rules or regulations; (5) is inappropriate considering the age of the students in the school; (6) includes information that is inaccurate, misleading, or false; or (7) is for any product or service not permitted to minors by law.

C. SCHOOL FORUMS

Although permitting some advertising within the school system, the board does not intend to create a public forum or to open school facilities, including its electronic media, print publications, or school facilities, for unlimited access by outsiders and advertising by the general public.

D. REGULATIONS GOVERNING ADVERTISING IN THE SCHOOLS

The superintendent shall develop regulations governing advertising in the schools subject

to Section B above and in accordance with the following guidelines.

1. School officials may allow for commercial advertisement space on stadium, athletic, or gymnasium billboards, banners, or signage or in school publications, such as yearbooks, school newspapers, newsletters, and event programs. Such space may be sold, for a reasonable fee or an in-kind contribution, to outside organizations or individuals for the purpose of advertising their products, services, programs, or activities.

2. School officials may permit boards, displays, or banners that acknowledge donations to or sponsors of a school or the school system.

3. School officials shall prohibit advertising through the school system employee and student e-mail system and the school system website.

4. Advertising in school publications or other school media, in school facilities, and on school property will be limited to an advertiser's (a) name; (b) logo; (c) location or place of business and contact information; (d) slogans that identify the advertiser but do not promote it; and (e) products, services, programs, or activities in a value-neutral description.

5. School officials have discretion to determine whether to use commercially sponsored materials or materials containing commercial advertising in school instructional programs and activities.

6. School officials may accept donations of equipment and supplies that contain advertising messages. However, such donations must comply with the requirements of policy 8220, Gifts and Bequests.

E. PROTECTION OF STUDENT PRIVACY

Collection of student data by the school system for marketing purposes is governed by Section C of policy 4720, Surveys of Students.

No school system employees shall require students to provide marketing information to vendors either through the provision of personal information or through marketing surveys. In addition, neither the school system nor any school system employee will enter into any contract for products or services, including electronic media services, in which students are asked to reveal personal information for collection by the providers of such services for marketing purposes. For the purposes of this Section, personal information includes, but is not limited to, the student's name, telephone number, e-mail address, and home address.

F. PROCESS TO REQUEST TO ADVERTISE

Any entity or individual interested in advertising products, services, programs, or

activities pursuant to this policy and school system regulations must submit a request to the principal (for advertising specific to an individual school) or to the superintendent's designee (for system-wide advertising). The principal or superintendent's designee shall decide whether to approve the advertising request and respond within 30 working days.

If the principal or superintendent's designee denies an advertising request, the entity or individual seeking to advertise has five days to appeal the decision to the superintendent. The superintendent shall make a decision within 10 working days of receiving the appeal. As needed, the superintendent shall consult with the board attorney concerning a request to advertise.

Any request denied by the superintendent may be appealed to the board if the right to an appeal is mandated by G.S. 115C-45(c). A decision as to whether an appeal is mandated by G.S. 115C-45(c) will be made in consultation with the board attorney. If an appeal is not mandated by G.S. 115C-45(c), the board, in its sole discretion, may decide whether to review the superintendent's decision.

Legal References: G.S. 115C-36, -45(c), -98

Cross References: Surveys of Students (policy 4720), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: December 20, 2010

Reviewed: August 16, 2021

Revised: August 8, 2022

The board recognizes that an effective educational program must be supported by services that assist students in taking advantage of educational opportunities to receive a sound basic education. The board also recognizes the need for services that help the school system use resources necessary for an educational program in an effective and efficient manner.

The board and superintendent will strive to educate the board of county commissioners and other funding sources of the importance of support services.

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: February 8, 2016

Reviewed: November 1, 2021

GOALS OF STUDENT HEALTH SERVICES

Policy Code: **6100**

The board recognizes the link between student health and learning. The goals of student health services are:

1. to encourage the physical well-being of all students;

2. to integrate health-related services provided in the school setting, including those provided by counselors and health specialists;

3. to provide health services in a manner that reinforces the objectives of the healthful living education curriculum;

4. to work cooperatively with other governmental agencies and professional associations interested and involved in the health of students;

5. to use up-to-date research findings to develop and provide health services to students;

6. to meet all legal obligations; and

7. to provide courteous service to students and parents.

Legal References: G.S. 115C-36, -288(e), -307(b) and (c)

Cross References:

Adopted: April 11, 2011

Reviewed: November 1, 2021

ORGANIZATION OF THE STUDENT HEALTH SERVICES

Policy Code: 6110

The superintendent is responsible for establishing student health services consistent with board goals as provided in board policy 6100, Goals of Student Health Services, and state and federal laws and regulations. Duties related to the health services will be included in appropriate job descriptions. Each principal is responsible for providing supervision of the student health services offered at his or her school.

The board will cooperate with the local health department to develop and maintain a comprehensive school health services program to promote the health and well-being of students in the school district.

The board, with assistance from the superintendent, and the health department will annually establish standards and procedures for administration of the health services program. The guidelines, procedures, and strategies outlined in the "Memorandum of Agreement" between the two agencies will be deemed the policy of the board and accordingly will be binding on all schools and all school personnel.

Legal References: G.S. 115C-36, -288(e), -307(b) and (c)

Cross References: Goals of Student Health Services (policy 6100)

Adopted: July 21, 1998 (as policy 6955)

Revised: May 8, 2000; April 11, 2011

Reviewed: November 1, 2021

A. STUDENT HEALTH SERVICES GENERALLY

The board will provide health services to students as required by law. State law authorizes school employees to administer medication prescribed by a health care practitioner upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.

The superintendent may develop procedures or delegate the development of procedures to each principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.

2. Any employee designated to provide health care services must receive appropriate training.

3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.

4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.

5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.

6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.

7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.

9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

B. SCHOOL SYSTEM MENTAL HEALTH PLAN

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy SHLT-003. The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 90-21.10B; 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies EXCP-000, SHLT-003

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)
Adopted: November 20, 2017

Revised: November 1, 202; December 18, 2023

The board recognizes that students may need to take medication during school hours. School personnel may administer medication prescribed by a health care practitioner upon the written request of a student's parent. In limited circumstances, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, other treatment options exist and the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to "parent" include parents, legal guardians, and legal custodians. In addition, for purposes of this policy, the term "health care practitioner" is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners.

Unless otherwise indicated, the terms "medication" and "medicine" include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter "over-the-counter drugs"). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A.
The self-administration of any prescription or over-the-counter drug by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited circumstances described in Section C.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA) and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

   Authorized school employees may administer medication to students when all of the following conditions are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

   a. Parental Consent: The student's parent must make a signed, written request that authorizes school personnel to administer the medication to the student.

b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.

c. Certification of Necessity: The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.

d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with the child's name, the name of the medication, the exact dose to be given, the time/frequency the medication is to be given, the route of administration, the number of doses in the container, and the expiration date of the medication. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

e. Proper Administration: The employee must administer the medication pursuant to the health care practitioner's written instructions provided to the school by the student's parent, and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. The procedures and a copy of this policy must be made available to all students and parents each school year. The superintendent's procedures should be developed according to the guidelines listed below.

a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.

b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.

c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be

afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

d. Except as permitted by this policy, no student may possess, use, sell, deliver, or manufacture any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.

e. The board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible. Access to controlled substances should be limited to the school nurse, school staff person authorized to administer medication, and the principal or designee.

f. All school personnel who will be administering medications must receive appropriate training.

g. Only medications clearly prescribed for the student may be administered by school personnel. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing a student to self-administer the medication.

h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property, unless otherwise prohibited by this policy.

i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health

care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan.

Students are prohibited from self-administering medication at school unless (1) the medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

   Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the documents listed below:

   a. written authorization from the student's parent for the student to possess and self-administer the medication;

   b. a written statement from the student's health care practitioner verifying that:

      1) the student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;

      2) the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and

      3) the student understands, has been instructed in self-administration of the medication, has demonstrated the skill level necessary to use the medication and any accompanying device, and has been determined to be competent for self-administration;

c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;

d. a statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and

e. any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, (1) the skill level necessary to use the medication and any device necessary for its administration; and (2) sufficient knowledge and maturity to be independent in the management of the medication with no oversight from school staff.

The student's parent must provide to the school backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer medication will be effective only for the same school for 365 calendar days. Such permission must be renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the diabetes, asthma, or anaphylactic medication.

The board does not assume any responsibility for the administration of medication to a student by the student, the student's parent, or any other person who is not authorized by this policy to administer medications to students.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C-36, -307(c), -375.1, -375.2, -375.2A, -375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325), Emergency Epinephrine Auto-Injector Devices (policy 5024/6127/7266)

Other Resources: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Public Health, School Health Unit, 2020), available at https://publichealth.nc.gov/wch/cy/schoolnurses/manual.htm

Adopted: November 20, 2017

Revised: December 14, 2018; November 1, 2021; March 20, 2023

EMERGENCY EPINEPHRINE AUTO-INJECTOR DEVICES

Policy Code: **5024/6127/7266**

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific prescription. Student-specific orders for epinephrine auto-injector devices are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine auto-injector devices are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine auto-injector devices. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine auto-injector devices that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine auto-injector devices provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine auto-injector device are expected to provide such devices for their use at school. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted: May 18, 2015

Reviewed: August 16, 2021

AUTOMATED EXTERNAL DEFIBRILLATOR *Policy Code:* **5028/6130/7267**

The board is committed to providing a healthy and safe environment for its students, employees, and visitors. To provide opportunities for assistance to individuals who experience sudden cardiac arrest on school property, the board authorizes the placement of automatic external defibrillators (AEDs) in designated locations in schools and other board-owned or operated facilities and at designated events to be accessed by medical practitioners and other trained persons.

To the extent funding, staff, and training are available, the superintendent is authorized to acquire AEDs for use at designated schools and events. The superintendent is further authorized to develop a program to address access to and training, use, and maintenance of AEDs in the school system. All such AEDs and any program developed must comply with the requirements of state and federal law.

The superintendent, in consultation with medical professionals trained in cardiopulmonary resuscitation (CPR) and AED use, shall develop procedures to implement this policy. Procedures must include information regarding:

1. Medical/healthcare provider oversight: Choice of AED devices will be made in consultation with a physician licensed by the state of North Carolina. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.

2. CPR and AED use training for anticipated responders: Training will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Appropriate records of training will be maintained.

3. Coordination with the emergency medical services (EMS) system: Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.

4. Appropriate device maintenance and testing.

5. Placement of AEDs.

The superintendent or designee shall report to the board on the plan for and actual use of AEDs in the school system. The superintendent shall designate a program coordinator to manage the AED program in the schools.

Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. The board cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

The board and its employees expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in North Carolina General Statutes 90-21.14, 90-21.15 and 115C-375.1 and federal statute 42 U.S.C. 238q.

Legal References: G.S. 90-21.14, -21.15; 115C-375.1; 42 U.S.C. 238q

Cross References: Student Health Services (policy 6120)

Other References: *N.C. Emergency Guidelines for Schools*, (NCDHHS 2009), available at http://www.nchealthyschools.org/resources/; *Implementing an AED Program*, (American Heart Association 2012), available at http://www.heart.org/idc/groups/heart-public/@wcm/@ecc/documents/downloadable/ucm_438703.pdf

Adopted: June 14, 2016

Revised: August 16, 2021

The board recognizes that it is important for students to maintain their physical health and receive proper nutrition in order to take advantage of educational opportunities. The board further recognizes that student wellness and proper nutrition are related to a student's physical well-being, growth, development, and readiness to learn. The board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience. As part of that commitment, the board directs the superintendent to oversee the development, implementation, and ongoing evaluation of this policy and other school system efforts to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children Policy, SHLT-000, as further described in Section F, below. The superintendent may designate a school system official to carry out this responsibility ("lead wellness official").

The superintendent or designee shall make the most current version of this policy available to members of the school community and the public by posting it on the school system website and/or by distributing it annually through other means reasonably intended to reach the school community and public. In addition, the superintendent or designee shall provide a copy of this policy to the North Carolina Department of Public Instruction (NCDPI) when requested to do so.

A. SCHOOL HEALTH ADVISORY COUNCIL

The board will maintain a school health advisory council to help plan, update, implement, promote, and monitor this policy as well as to address other health and nutrition issues within the school system. The council serves as an advisory committee regarding student health issues and works in conjunction with the lead wellness official charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The council is authorized to examine related research and laws, assess student needs and the current school environment, review existing board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The council also may make policy recommendations to the board related to this policy and other policies concerning student wellness and in conjunction with the lead wellness official, shall periodically review and suggest revisions to this policy. In addition, the council may assist in the development of a plan for measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy as described in Sections F and G, below.

The council will be composed of representatives from the school system, the local health department, and the community. The council must include members of each of the following groups: the school board, school system administrators, school system food service representatives, physical education teachers, school health professionals, students, parents or guardians, and the public. The council will provide information to the board about the following areas or concerns: (1) physical activity, (2) health education, (3) employee wellness, (4) health services, (5) social and emotional climate, (6) nutrition

environment and services, (7) counseling, psychological, and social services, (8) physical environment, (9) family engagement, and (10) community involvement.

The council shall provide periodic reports to the board and public regarding the status of its work. In addition, the council shall assist the lead wellness official in creating an annual report that includes the minutes of physical activity and the minutes of physical education and/or healthful living education received by students in the system each school year, as well as any other information required by the State Board of Education or NCDPI.

B. NUTRITION PROMOTION AND NUTRITION EDUCATION

The board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The general goals of nutrition promotion and nutrition education are (1) to provide appropriate instruction for the acquisition of behaviors that contribute to a healthy lifestyle for students and (2) to teach, encourage, and support healthy eating by students.

The board will provide nutrition education within the Healthful Living Standard Course of Study and the grade level expectations outlined in the Healthful Living Essential Standards adopted by the State Board of Education. Nutrition education should be designed to provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

Nutrition education and promotion should extend beyond the school environment by engaging and involving families and communities. School system personnel may coordinate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition. School system personnel are to work to disseminate and promote consistent nutrition messages throughout the school system, schools, classrooms, school dining areas, homes, community, and media.

In conjunction with the school health advisory council, the board establishes administrative procedures to outline nutrition promotion and educational goals and strategies. The board will periodically measure and report progress toward meeting these goals.

C. NUTRITION STANDARDS AND GUIDELINES FOR ALL FOOD AND BEVERAGES AVAILABLE AT SCHOOL

Consistent with policy 6200, Goals of School Nutrition Services, all foods available in the system's schools during the school day that are offered to students should help promote student health, reduce childhood obesity, provide a variety of nutritional meals, and promote lifelong healthy eating habits. All foods and beverages sold at school must meet the nutrition standards established in policy 6230, School Meal and Competitive Foods Standards, including the following:

1. School Lunch, Breakfast, and Snack Programs

Foods provided through the USDA National School Lunch Program (NSLP), School Breakfast Program (NSBP), or After School Snack Program (ASSP) must comply with federal and state nutrition standards. The director of child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

2. Competitive Foods

All foods sold on school campuses in areas that are accessible to students during the school day (defined as the period from midnight through 30 minutes after the dismissal bell rings) in competition with the National School Lunch or School Breakfast Programs ("competitive foods") must comply with the federal Smart Snacks in School standards. Competitive foods include food, snacks, and beverages from a la carte menus, vending machines, and outside suppliers, as well as foods or beverages sold in school stores and at fund-raisers. Vending machine sales also must comply with the requirements of G.S. 115C-264.2.

3. Other Foods Available on the School Campus During the School Day and After the School Day

School principals shall establish rules for foods and beverages brought from home for classroom events or parties during the school day or for extracurricular activities after the school day. The board encourages principals to establish rules that are consistent with the Smart Snacks in School standards.

Fundraising activities that involve the sale of foods and/or beverages to students during the school day (from midnight until 30 minutes after the dismissal bell rings) must comply with the Smart Snack Rules and may not be conducted until after the end of the last lunch period. See policy 6230, School Meal and Competitive Foods Standards.

School principals may establish standards for fund-raising activities conducted after the school day (beginning 31 minutes after the dismissal bell rings) that involve the sale of food and/or beverages. The board encourages alternative fundraising activities such as non-food items or physical activity.

4. Food and Beverage Marketing

Food and beverage marketing on school campuses during the school day must meet federal and state standards. In accordance with these standards, only foods and beverages that meet the Smart Snack standards (as described in subsection C.2, above) may be marketed or advertised on school campuses during the school day. To comply with this requirement, existing supplies, materials, or equipment

that depict noncompliant products or logos will be replaced or removed in accordance with normal lifecycles or as otherwise would occur in the normal course of business.

D. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY

1. Goals of the Physical Education Program

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as obesity, cardiovascular disease, and Type II diabetes, students enrolled in kindergarten through eighth grade must have the opportunity to participate in physical activity as part of the system's physical education curriculum. The goal for elementary schools is to provide 150 minutes weekly of quality physical education with a certified physical education teacher. The goal for middle schools is to provide 225 minutes weekly of Healthful Living Education, divided equally between health and physical education with certified health and physical education teachers.

2. The Physical Education Course

The physical education course should be designed to foster support and guidance for being physically active, help students know and understand the value of being physically fit, and teach students the types of activities that contribute to total fitness. The course is to be taught in an environment where students can learn, practice, and receive assessment on developmentally appropriate skills and knowledge as defined in the North Carolina Healthful Living Standard Course of Study. Students should be engaged in moderate to vigorous physical activity for fifty percent or more of class time. Class for physical education should be equivalent in size to those of other academic classes.

3. Physical Activity Requirements and Goals

School personnel should strive to provide opportunities for age- and developmentally-appropriate physical activity during the day for all students so that students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular daily physical education class as described in Sections D.1 and D.2 above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement. The board will periodically measure and report progress toward meeting these goals.

To ensure that students have ongoing opportunities for physical activity and maintain a positive attitude towards physical activity, structured/unstructured recess and other physical activity may not be taken away from students as a form of punishment. In addition, severe and inappropriate exercise may not be used as a form of punishment for students.

In conjunction with the school health advisory council, the board establishes administrative procedures to outline physical education and physical activity goals and strategies.

E. OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS

In addition to the standards discussed above, the board adopts the following goals for school-based activities designed to promote wellness:

1. Schools will provide a clean and safe meal environment.

2. Students will be provided adequate time to eat meals.

3. Drinking water will be available at all meal periods and throughout the school day.

4. Professional development will be provided for school system nutrition staff.

5. To the extent possible, the school system will utilize available funding and outside programs to enhance student wellness.

6. Food will not be used in the schools as a reward or punishment.

7. As appropriate, the goals of this wellness policy will be considered in planning all school-based activities.

8. Administrators, teachers, school nutrition personnel, students, parents or guardians, and community members will be encouraged to serve as positive role models to promote student wellness.

F. IMPLEMENTATION AND REVIEW OF POLICY

1. Oversight and Monitoring of Implementation and Progress

The lead wellness official, in conjunction with the school health advisory council, shall oversee the implementation of this policy and monitor system schools, programs, and curricula to ensure compliance with and to assess progress under this policy, related policies, and established guidelines or administrative regulations. Each principal shall be responsible for and shall report to the lead

wellness official regarding compliance and measurements of progress in his or her school. Staff members responsible for programs related to student wellness also shall report to the lead wellness official regarding the status of such programs.

2. Review of Policy

The lead wellness official shall work with members of the school health advisory council to periodically review and update this policy based on the triennial assessment of the school system's compliance with the policy (see subsection F.4, below), progress toward meeting the policy goals, and other relevant factors. The lead wellness official shall document the review process and participants, and the method used to notify the school health advisory council and/or other stakeholders of their ability to participate.

3. Annual Reporting

The lead wellness official shall prepare annual written reports to the superintendent and NCDPI/State Board of Education that provide all information required by the superintendent and/or the state pertaining to the school system's efforts to comply with this policy and SBE Policy SHLT-000.

4. Triennial Assessment

Beginning with school year 2017-18, and at least once every three years thereafter, the superintendent or designee shall report to the board and public on the system's compliance with laws and policies related to student wellness, the implementation of this policy, and progress toward meeting the goals of the policy. At a minimum, the superintendent or designee shall measure and report the following:

1) the extent to which the individual schools are in compliance with this policy;

2) the extent to which the board's wellness policy compares to model local school wellness policies and meets state and federal requirements; and

3) a description of the progress made in attaining the goals of this policy.

The report may also include the following items:

4) a summary of each school's activities undertaken in support of the policy goals;

5) an assessment of the school environment regarding student wellness issues;

6) an evaluation of the school nutrition services program;

7) a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;

8) a review of guidelines for foods and beverages available, but not sold, during the school day, as described in subsection C.3, above;

9) information provided in the report from the school health advisory council, as described in Section A, above; and

10) suggestions for improvement to this policy or other policies or programs.

G. PUBLIC NOTIFICATION

1. The school system will publish contact information for the lead wellness official on the school system website.

2. The lead wellness official shall assist the school health advisory council with annually informing and updating the public about this policy and its implementation and State Board Policy SHLT-000.

3. The superintendent or designee shall make public the results of the triennial assessment described in subsection F.4 of this policy.

4. All information required to be reported under this section and any additional information required by the state to be reported publicly shall be widely disseminated to students, parents, and the community in an accessible and easily understood manner, which may include by posting on the school system website.

H. RECORDKEEPING

The superintendent shall maintain records to document compliance with this policy and all federal and state requirements. These records, at a minimum, must include:

1. a written copy of this policy and any updates;

2. the most recent triennial assessment for each school;

3. documentation demonstrating:

   a. the efforts to review and update this policy, as described in subsection F.2 of this policy;

   b. how this policy and information about the most recent triennial assessments have been made available to the public, as described in

Section G;

c. compliance with the annual reporting requirements of subsection F.3; and

d. other efforts to involve the school health advisory council and/or other community members in the implementation of or assessment of compliance with this policy.

Legal References: Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. 1751 *et seq.*; 7 C.F.R. 210.11, 210.12, and 210.31; G.S. 115C-264.2; 16 N.C.A.C. 6H .0104; State Board of Education Policies SHLT-000, CHNU-002

Cross References: Goals of Student Health Services (policy 6100), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230)

Adopted: January 12, 2015

Revised: November 30, 2017; January 24, 2022; March 20, 2023; July 10, 2023

The board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the board directs school employees to comply with the concussion safety requirements for interscholastic athletic competition established by G.S. 115C-12(23) as amended in the Gfeller-Waller Concussion Awareness Act of 2011, and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies. The superintendent or designee shall develop plans consistent with state requirements and shall implement and monitor compliance with this policy. The superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

A. DEFINITION OF CONCUSSION

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

B. SCHOOL HEAD INJURY INFORMATION SHEET

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer, or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices, or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy.

C. REMOVAL FROM AND RETURN TO PLAY

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-12(23) and any other applicable law or State Board policy.

D. RETURN TO LEARNING

The superintendent or designee shall develop a plan that meets all the requirements of the State Board of Education for addressing the needs of students in grades pre-K through 12 who suffer concussions. The superintendent or designee shall also arrange for information and professional development to be provided annually to all teachers and other school personnel on return-to-learn issues and other concerns related to concussion and brain injuries. Parents and students must be offered the opportunity annually to provide information related to any head injury or concussion the student may have incurred during the past year on the health history and emergency medical information update form.

E. EMERGENCY ACTION PLANS

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment, and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed, and rehearsed in accordance with G.S. 115C-12(23), and (5) compliant with any other requirements of state law and State Board policy.

F. ATHLETIC TRAINERS AND FIRST RESPONDERS

Each high school principal shall designate at least one licensed athletic trainer or first responder who meets the requirements of state law and State Board of Education policy. The principal shall monitor each athletic trainer's or first responder's compliance with the duties assigned to the position by the State Board and any additional duties assigned by the superintendent or designee, including, but not limited to, attendance at football games and practices and compliance with all applicable training and certification requirements.

To the extent funding and resources are available, the superintendent shall work toward having a licensed athletic trainer or first responder available for all school practices and games of all high school and middle school sports.

G. RECORDKEEPING

The superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The superintendent's annual report to the board on compliance with laws and policies related to student wellness shall include a report on the system's compliance with laws

and policies related to concussions and head injuries. (See Section G of policy 6140, Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147; Article 34 Chapter 90; State Board of Education Policies ATHL-000, ATHL-003, SHLT-001

Cross References: Student Wellness (policy 6140)

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website, http://tbicenter.unc.edu; *Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels,* N.C. Department of Public Instruction (2011), available at http://www.ncleg.net/documentsites/committees/JLEOC/Reports%20Received/Archives/2011%20Reports%20Received/Study%20of%20Sports%20Injuries%20at%20Middle%20and%20High%20School%20Levels.pdf

Adopted: November 20, 2017

Revised: June 21, 2021

The board recognizes that it is important for students to receive proper nutrition so that they are ready and able to take advantage of educational opportunities.

The goals of the school nutrition services program are as follows:

1. operating the school nutrition program efficiently so that earnings may be used to reduce the cost of food, serve better food, or provide free or reduced price meals to eligible students;

2. enhancing students' ability to learn by offering a variety of safe, nutritious, and appealing food and beverage options for student meals at school;

3. minimizing obesity and encouraging lifelong healthy eating habits consistent with the health education curriculum; and

4. providing courteous service to students, employees, and authorized visitors.

Legal References: 7 C.F.R. Part 210; G.S. 115C-47(22), -263, -264; State Board of Education Policy SHLT-000

Cross References:

Adopted: November 20, 2017

Reviewed: November 1, 2021

ORGANIZATION OF SCHOOL NUTRITION SERVICES

Policy Code: **6210**

The superintendent shall establish school nutrition services consistent with board goals as provided in policy 6200, Goals of School Nutrition Services, and state and federal laws and regulations. Duties related to the nutrition services should be included in appropriate job descriptions. Each principal and cafeteria manager is responsible for the school nutrition services program in his or her school, under the supervision of the director of child nutrition.

The superintendent shall verify that all school nutrition services personnel are certified and trained in accordance with law.

Legal References: Healthy, Hunger-Free Kids Act of 2010, P.L. 111-260; G.S. 115C-36, -263

Cross References: Goals of School Nutrition Services (policy 6200)

Adopted: January 12, 2015

Reviewed: November 1, 2021

All schools will participate in federal National Child Nutrition Programs and will receive commodities donated by the United States Department of Agriculture. All federal and state revenues will be accepted and applied to maximize the use of such funds for the purposes of providing nutritional meals to students at the lowest possible price. The superintendent or designee shall develop procedures as necessary to implement the operational standards established in this policy.

A. OPERATIONAL STANDARDS

The school nutrition services program will be operated in a manner consistent with board goals and board policy. The program also will be operated in compliance with all applicable state and federal law, including requirements of the National School Lunch Program and all federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture. Specific legal requirements that must be met include, but are not limited to, the following.

1. School officials may not discriminate based on race, sex, color, national origin, disability, age, or eligibility status for free and reduced price meals. School officials are also prohibited from retaliating against an individual for prior civil rights activity.

2. The school nutrition services program will meet safety and sanitation requirements established in local, state, and federal rules and guidelines for school nutrition services programs.

3. The school nutrition services program will have a written food safety program that includes a hazard analysis critical control point plan for each school.

4. Menu preparation, purchasing, and related record keeping will be consistent with applicable state and federal rules and guidelines.

5. Banking, financial record keeping, budgeting, and accounting will be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.

6. Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations.

7. Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1 and to foods grown or raised within North Carolina.

8. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has an operating balance of at least two months.

9. The price for meals will be determined in accordance with federal law.

10. Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account.

11. All school nutrition services will be operated on a non-profit basis for the benefit of the CNP. School nutrition services are those that are operated from 12:01 a.m. until the end of the last lunch period.

12. All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the superintendent or designee.

13. All competitive foods sold on school campuses will meet federal and state standards for nutrient content.

14. All employees whose job duties include procurement activities involving CNP funds shall adhere to the conflict of interest rules and standards for ethical conduct established by the board in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration. Failure to comply with these requirements will result in disciplinary action.

B. MEAL CHARGES

This section applies only to elementary and middle schools. Charging privileges are limited to elementary and middle school students.

Students who are required to pay for meals are expected to provide payment in a timely manner. The board recognizes, however, that students occasionally may forget or lose their meal money. In the event that a student is unable to pay for a meal on a particular day, the student may charge a reimbursable meal. To safeguard the dignity and confidentiality of students in the serving line, reasonable efforts must be used whenever possible to avoid calling attention to a student's inability to pay.

The child nutrition director and principal shall work jointly to prevent meal charges from accumulating and shall make every effort to collect all funds due to the CNP on a regular

basis and before the end of the school term. Notices of low or negative balances in a child's meal account will be sent to parents and guardians and the principal at regular intervals during the school year. If a parent or guardian regularly fails to provide meal money and does not qualify for free meal benefits, the child nutrition director shall inform the principal, who shall determine the next course of action, which may include working with the parent or guardian to establish a long-term repayment plan or taking legal steps to recover the unpaid meal charges. Efforts to recover unpaid meal charges should not have a negative impact on the students involved and instead should focus primarily on the adults in the household responsible for providing funds for meal purchases. The principal shall not take any punitive actions against a student for unpaid meal charges. Prohibited punitive actions include requiring a student to work to pay off the debt, withholding a student's records, denying a student a diploma, and prohibiting a student from participating in graduation, class trips, or school-sponsored extracurricular activities or social events.

Parents and guardians are expected to pay all meal charges in full by the last day of each school year. Negative balances on student accounts will be carried forward to the following school year. However, the superintendent shall ensure that federal child nutrition funds are not used to offset the cost of unpaid meals and that the CNP is reimbursed for bad debt resulting from uncollected student meal charges prior to September 30 each year.

This policy and any applicable procedures regarding meal charges must be communicated to school administrators, school food service professionals, parents and guardians, and students. Parents and guardians will receive a written copy of the meal charges policy and any applicable procedures at the start of each school year and at any time their child transfers into a new school during the school year.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; National School Lunch Act, 42 U.S.C. 1751 *et seq.*, 2 C.F.R. pt. 200; 7 C.F.R. pt. 210; 7 C.F.R. pt. 215; 7 C.F.R. pt. 220; United States Department of Agriculture Policy Memos SP 46-2016, 47-2016, and 23-2017, available at https://www.fns.usda.gov/resources?f%5B0%5D=program%3A39&f%5B1%5D=resource_type%3A160&keywords=&page=1; G.S. 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; 147 art. 6E, art. 6G; 16 N.C.A.C. 6H .0104

Cross References: Parental Involvement (policy 1310/4002), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230), Goals of the Purchasing Function (policy 6400), Ethics and the Purchasing Function (policy 6401/9100), Federal Grant Administration (policy 8305)

Adopted: May 15, 2017

Revised: November 1, 2021; August 8, 2022; April 2, 2024; August 4, 2025; July 20, 2026; August 17, 2026

The school system will provide free meals and reduced price meals to eligible students in the schools.

The principal shall make applications for free or reduced price meals readily available to parents or guardians and shall accept completed applications at any time during the school year.

In accordance with the guidelines for participation in these programs, and in accordance with the wishes of the board, no student who meets the criteria for eligibility for free and reduced meal benefits will be denied a free lunch, milk, or other food simply because the proper application has not been received from his or her parent or guardian. The principal may complete an application, based on the best household size and income information available, for a student known to be needy if the parent or guardian fails to apply. The source of the information must be noted on the application. The principal shall ensure that school rules and procedures are implemented in ways that do not impede eligible students from participating fully in these programs.

The information provided on each application is confidential. Employees with access to this confidential information must make reasonable efforts to maintain the anonymity of students participating in the free or reduced price meal program.

Each year, the superintendent or designee shall ensure that the school system has met all federal requirements to verify the eligibility of applicants. When school personnel become aware of information that raises concerns about the integrity of an application, the superintendent or designee must verify the questionable information by following the verification for cause procedures set forth in federal regulations.

The superintendent is authorized to apply for community eligibility as an alternative to collecting individual household applications for free and reduced price meals for any school or group of schools that meet the eligibility requirements for community eligibility established by federal law. In schools approved for participation pursuant to the community eligibility requirements, the board will serve free lunches and breakfasts to all students in the school without regard to income and will cover with non-federal funds any costs of providing the free meals above the amounts provided by federal assistance. Participating schools will not collect free and reduced price applications from households.

The superintendent shall establish procedures that conform to state and federal requirements regarding participation in programs for free and reduced priced meal benefits.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; 7 C.F.R. Parts 210, 215, 220, and 245; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Healthy, Hunger Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. 1751, *et seq.*; G.S. 115C-263, -264
Cross References: Goals of School Nutrition Services (policy 6200)
Adopted: January 12, 2015
Reviewed: November 1, 2021

SCHOOL MEAL AND COMPETITIVE FOODS STANDARDS

Policy Code: **6230**

All employees or other individuals who select foods or beverages to be sold to students on a school campus during the school day shall select and procure such foods and beverages in a manner consistent with the goals established by the board in policy 6200, Goals of School Nutrition Services, and policy 6140, Student Wellness, and with all state and federal laws and regulations. Additionally, in furtherance of the board's goals, the board establishes the following standards for school meals and other foods sold or available on school campuses.

A. SCHOOL MEAL REQUIREMENTS

Meals and snacks provided through the National School Lunch, School Breakfast, and After School Snack Programs must comply with all federal nutrition standards applicable to the respective program, including meal component requirements and dietary standards.

B. FOODS OTHER THAN SCHOOL MEALS

1. Definitions

   a. School day

      As used in this policy, "school day" means the period from midnight through **30 minutes after the dismissal bell rings**.

   b. Competitive foods

      Competitive foods are all foods and beverages, other than meals reimbursed through the federally-funded school nutrition programs, available for sale to students on campus during the school day.

2. Foods Sold From Midnight Until the End of the Last Lunch Period

   The sale of food and beverages between midnight and the end of the last lunch period is the responsibility of the Child Nutrition Program (CNP), and the CNP will retain the proceeds. No foods or beverages may be sold to students on any school campus during that time period except through the Child Nutrition Program. The school principal and CNP personnel shall ensure that all competitive foods, including vended *a la carte* and all other *a la carte* or supplemental food and beverages, sold during that time period meet the federal Smart Snacks nutrition standards.

3. Foods Sold Between the Last Lunch Period and the End of the School Day

   Each year, through its School Nutrition Program Annual Agreement, the board

will establish accountability for the sale of competitive foods during the period between the end of the last lunch period and the end of the school day. All foods sold during that period must comply with the federal Smart Snacks nutrition standards. This includes foods sold in vending machines (see subsection B.5, below), in school stores, and in other sales venues on the school campus.

4. Foods Sold After the School Day

Foods sold after the school day are not subject to the federal Smart Snacks standards but are subject to any school rules established pursuant to policy 6140, Student Wellness.

5. Vending Sales During the School Day

In elementary schools, no beverage or snack vending to students is permitted outside of the School Nutrition Program.

In middle and high schools, all vended snack foods and beverages sold during the school day must meet the federal Smart Snacks standards and any more restrictive state requirements.

Bottled water must be available in every school that has beverage vending.

6. Fund-Raising Activities Involving Food or Beverages

All fund-raising activities that involve the sale of food or beverages to students during the school day must comply with the federal Smart Snacks standards. However, no such fund-raising activities are permitted from midnight until the end of the last lunch period. Tokens of exchange for foods or beverages to be delivered later in the day also are prohibited during this time period.

Fund-raising activities that are conducted after the school day are not required to comply with the federal Smart Snacks nutrition standards, but are subject to policy 6140, Student Wellness, and any school rules established pursuant to that policy.

7. Foods Brought from Home for School Events

Each school principal may establish standards for food and beverages brought from home to be shared for classroom events or parties during the school day or for extracurricular activities after school. The board encourages principals to establish rules that are consistent with the Smart Snacks nutrition standards.

8. Responsibility for Compliance with the Limits on the Sale of Competitive Foods

The limitations on the sale of competitive foods during the school day established

by law and this policy are intended to encourage students to develop healthy eating habits and to ensure the ability of the schools to provide nutritious meals at the lowest possible cost.

All employees, student groups, volunteers, school support organizations, and other parties within the school environment must comply with the restrictions and conditions on the sale of competitive foods to students during the school day imposed by federal and state law, this policy, and the terms of the board's School Nutrition Program Annual Agreement.

The superintendent shall hold each principal responsible for consistent enforcement of this policy.

9. Consequences for Non-Compliance with the Limits on the Sale of Competitive Foods

Employees will be subject to disciplinary sanctions for violating the requirements pertaining to the sale of competitive foods as described in this or other relevant board policy, the board's School Nutrition Program Annual Agreement, or federal or state law or regulation. Discipline may include suspension or dismissal for repeated willful violations. The superintendent may take all reasonable steps necessary to prevent violation of the competitive foods rules by any student or student group, volunteer, school support organization, or other party.

If a school is found by the North Carolina Department of Public Instruction to be in violation of the rules pertaining to the sale of competitive foods as established in federal or state law or regulation and the violations results in a monetary sanction against the Child Nutrition Program, the superintendent may require the school's principal to reimburse the Child Nutrition Program from the operating account of the school.

Nothing in this policy is intended to regulate or limit foods that students bring from home as part of a bag lunch.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751, *et seq.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.5; 16 N.C.A.C. 6H .0104; State Board of Education Policy CHNU-002

Cross References: Student Wellness (policy 6140), Goals of School Nutrition Services (policy 6200)

Adopted: November 20, 2017
Revised: April 2, 2024

Reviewed: November 1, 2021

GOALS OF STUDENT TRANSPORTATION SERVICES

Policy Code: **6300**

The board will provide school transportation services for eligible students consistent with the following goals:

1. providing transportation to and from school to students most in need of the service;

2. making safety a priority in maintaining quality transportation equipment and vehicles;

3. teaching and expecting students to act in a safe and orderly manner while using school transportation;

4. planning and providing transportation services efficiently and economically;

5. using transportation services to support the types of learning opportunities available to students;

6. working effectively with students, parents, guardians, private contractors and other governmental agencies in providing transportation services; and

7. providing courteous service to students and responding promptly and courteously to requests by parents, guardians and students.

Legal References: G.S. 115C-36, -239, -240

Cross References:

Adopted: April 11, 2011

Reviewed: November 1, 2021

SAFETY AND STUDENT TRANSPORTATION SERVICES

Policy Code: **6305**

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel, and other governmental agencies. The superintendent or designee and all principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

A. STUDENT BEHAVIOR

A safe and orderly environment is critical whenever transporting students. The Code of Student Conduct and board policies on student behavior apply as provided in policy 4300, Student Behavior Policies. All students will receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school.

B. TRANSPORTATION SAFETY ASSISTANTS AND BUS MONITORS

Upon recommendation of a building principal and the superintendent, the board may employ transportation safety assistants to assist bus drivers with the safety, movement, management, and care of students. In addition, the superintendent or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school. As necessary, the superintendent or designee shall designate in administrative guidelines the responsibilities of school bus transportation safety assistants and bus monitors in accordance with state law.

C. MAINTENANCE

The superintendent or designee and principals shall fulfill all duties prescribed by state law and regulations for maintaining, inspecting, and repairing school buses and other vehicles used to transport students.

D. SAFETY PRACTICES ON SCHOOL BUSES AND ACTIVITY BUSES

In addition to any rules established by the superintendent or designee for the safe operation of the student transportation services, the board expects school employees to observe the following practices.

1. All school bus drivers must utilize the North Carolina crossing signals to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.

2. The number of students transported on any school bus, activity bus, commercial bus, or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.

3. All riders must be seated while the vehicle is in motion.

4. No person will be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion.

5. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle and to permit students to enter or leave the bus at particular locations.

6. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safeness of the bus route or bus stops.

E. TRAINING

It is the responsibility of the superintendent or designee to see that:

1. students and bus drivers receive training as required by law, including training on the use of the North Carolina crossing signal;

2. students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and

3. records of student training are made as required by the State Board of Education.

F. ACCIDENT REPORTING

The driver of any school bus or other school vehicle must report immediately to the superintendent or designee any accident involving death, injury, or property damage.

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; 16 N.C.A.C. 6B .0111; *Preventive Maintenance and Vehicle Replacement Manual* (*NC Bus Fleet Manual*), State Board of Education Policy TRAN-005, available at www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf; State Board of Education Policy TRAN-011; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: November 20, 2017

Revised: December 14, 2018; November 1, 2021; August 8, 2022; March 20, 2023

The board recognizes that emissions that accumulate from school buses can be harmful to students and bus drivers. The board further recognizes that unnecessary bus idling wastes fuel and financial resources. The board is committed to transporting students on school buses in a manner that is safe and consistent with the board's goal of resource conservation. To this end, the board prohibits all unnecessary school bus idling on school grounds. In addition, the board prohibits the warming up of buses for longer than five minutes, except in extraordinary circumstances or circumstances beyond the bus driver's control.

This policy applies to school buses and activity buses when these buses are used to transport students to or from school, extracurricular activities, field trips, and other school-related activities.

The superintendent shall develop procedures consistent with this policy. The superintendent shall ensure that school bus drivers and appropriate school personnel receive training to implement this policy.

Legal References: G.S. 115C-12(34)(b), -36, -47(50); State Board of Education Policy ALOT-003; *N.C. Public School Allotment Policy Manual*, State Allotment Formulas – Transportation of Pupils, Program Report Code 056, available at https://www.dpi.nc.gov/districts-schools/district-operations/financial-and-business-services/allotments-%E2%80%94-funding-public-school-units

Cross References: Resource Conservation (policy 6530)

Adopted: November 20, 2017

Revised: November 1, 2021

ORGANIZATION OF STUDENT TRANSPORTATION SERVICES

Policy Code: **6310**

The superintendent shall establish a student transportation services program consistent with board goals established in policy 6300, Goals of Student Transportation Services, and state and federal laws and regulations. School personnel, volunteers, and private carriers are expected to be familiar with all duties imposed by law, board policy or the superintendent.

Specific duties related to providing student transportation services should be included in appropriate job descriptions.

Legal References: G.S. 115C-241, -242, -244 to -246, -248

Cross References: Goals of Student Transportation Services (policy 6300)

Adopted: April 11, 2011

Reviewed: November 1, 2021

Safety is of paramount concern in providing student transportation services. Consistent with the board's goals for student safety, all drivers involved in transporting students must comply with the following board requirements.

A. SCHOOL BUS AND ACTIVITY BUS DRIVERS

School bus and activity bus drivers must:

1. possess required licenses and all other qualifications required by law;

2. undergo and follow all training required by law governing school bus and activity bus passenger safety;

3. not operate a school or activity bus on a public street, highway, or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;

4. use the North Carolina crossing signal required by the State Board of Education to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus;

5. report to the principal any misconduct that is in violation of any of the student behavior policies in the 4300 series or school rules;

6. use reasonable judgment in the operation of the buses;

7. make reasonable efforts to maintain good order of the students being transported;

8. not permit any person to ride who is not assigned to the bus or has not received express permission of the principal or other designated official;

9. promptly report to the principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus, or other vehicle operated by the school system; and

10. report to the principal or other designated official by the next work day any moving violation citations received while operating any motor vehicle, whether on or off duty.

B. OTHER DRIVERS

Other drivers, including volunteer drivers, must:

1. possess required licenses and all other qualifications required by law;

2. report to the principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and

3. carry insurance if operating a privately owned vehicle.

If the board requires a school social worker to increase his or her private automobile liability coverage and/or to add a business use rider in order to transport students in his or her private vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.

The superintendent or designee shall make copies of this policy and other related policies available to drivers.

Legal References: G.S. 20-7(f)(2), -137.4, -218; 115C-47(25a), -241, -242, -244 to -246, -248, -251, -317.1; State Board of Education Policies TRAN-006, TRAN-010; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf

Cross References: Student Behavior Policies (4300 series), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Insurance (policy 8340)

Adopted: November 20, 2017

Revised: December 14, 2018; November 1, 2021

Student transportation services will be made available in a manner consistent with the board goals set out in policy 6300, Goals of Student Transportation Services.

A. SCHOOL SYSTEM TRANSPORTATION SERVICES

The first priority of the school system transportation services is to provide eligible students transportation to and from school. The school system may make other transportation services available as funding permits and in accordance with legal requirements, board policy, and the following standards.

1. Yellow school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with board policy.

2. Yellow school buses may be used only for purposes expressly allowed by G.S. 115C-242.

3. Yellow school buses may not be used for athletic activities or extracurricular activities.

4. Activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses as needed.

5. The board encourages the superintendent and principals to provide transportation services to enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning.

B. SPECIAL USE OF SCHOOL BUSES

The board may authorize special uses of yellow school buses as provided by G.S. 115C-242 and 115C-254 and of activity buses and yellow school buses as provided by G.S. 115C-243 and 115C-247. The board may also authorize the special use of activity buses for the purposes described in G.S. 66-58(c)(9b).

The superintendent shall present to the board any requests for special uses and the statutory support for allowing such authorization.

C. TRANSPORTATION FOR STUDENTS WITH DISABILITIES

A student who is identified as having a disability following procedures in the North

Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law. When the school system's transportation services are unable to provide transportation for a student with a disability, the board may contract with public or private carriers to provide this service, pursuant to policy 6340, Transportation Service/Vehicle Contracts.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*.; 49 U.S.C. 30125, 30165; G.S. 66-58(c)(9a) and (9b); 115C-239, -242, -243, -247, -254; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education policies TRAN-000, -006; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at http://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf

Cross References: School Trips (policy 3320), Goals of Student Transportation Services (policy 6300), Safety and Student Transportation Services (policy 6305), Transportation Service/Vehicle Contracts (policy 6340)

Adopted: April 11, 2011

Revised: March 19, 2012; November 20, 2017

Reviewed: November 1, 2021

The superintendent or designee shall develop school bus routes in accordance with state law and regulations. All bus routes will be kept on file in the superintendent's office, and all changes will be filed within 10 days after such change becomes effective.

Students will be assigned to a bus that passes within one mile of the student's residence. To the extent practicable and economically feasible, ride time should be less than 45 minutes one way.

Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

A. TRANSPORTATION TO LOCATIONS OTHER THAN HOME

Upon request, the superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met.

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian and not the school system is responsible for the student's safety once the child has departed from the bus.

2. The request for such transportation does not require a bus to deviate in any significant way from an established route.

3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.

4. The student's residence and requested bus stop are within the zone eligible for transportation service.

5. The request for such transportation does not cause the school system to incur any additional cost.

6. The proposed bus stop meets safety standards established by law, the board, the superintendent or the principal.

Any changes in bus stops must be approved by the superintendent or designee.

B. BUS ROUTES IN HAZARDOUS CONDITIONS

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The superintendent may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe. To the

extent possible, parents will be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route will be on file in the superintendent's office.

A student who is identified as having special needs following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law.

Legal References: Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C. 1400 *et seq*.; G.S. 115C-240(d), -246; *Policies Governing Services for Children with Disabilities,* State Board of Education Policy EXCP-000; State Board of Education Policies TRAN-000, -002, -006

Cross References:

Adopted: May 8, 2000

Revised: April 11, 2011; March 19, 2012; November 20, 2017

Reviewed: November 1, 2021

A. ELIGIBILITY

Any student assigned to a school that is one and a half miles or more from his or her residence is eligible for transportation services to and from school. In addition, a student identified as having special needs will be provided with transportation services if entitled to such by federal and state laws and regulations. Also, the superintendent or designee shall consider applications for transportation services in the following situations:

1. when factors are present that may endanger the safety of students walking to the school;

2. when the student is medically certified as temporarily incapacitated; and

3. if the student has voluntarily requested a transfer from his or her regularly assigned school and the requested school is greater than one and a half miles from his or her residence.

B. APPLICATIONS

The parent or guardian of any child enrolled in the school system may request bus services. The request should be made to the principal of the assigned school or another designated school official. The principal or other designated official shall forward the application to the superintendent or designee. If the application is denied by the superintendent or designee, the parent may seek review of the decision in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

The board will direct that the student be provided transportation services if either (1) the board finds that the student is entitled to be transported to and from school on the school bus designated in the application; or (2) the board finds that the transportation of the student on the requested bus to and from such school is in the best interest of the student, will not interfere with the proper administration of the school or with the safe and efficient transportation by school bus of other students enrolled in the school, and will not endanger the health or safety of the children enrolled at the school.

Legal References: G.S. 115C-239, -240, -241, -244; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Student and Parent Grievance Procedure (policy 1740/4010)

Adopted: November 20, 2017

Reviewed: November 1, 2021

Principals may assign individual student parking spaces or designate parking areas for students. Whenever individual spaces are designated or assigned, first priority will be given to individuals with physical disabilities. Students who need transportation in order to participate in school-related internships or off-site learning opportunities will have priority for parking spaces over other students. Pursuant to G.S. 115C-46, principals may provide for the registration of vehicles and remove cars parked in violation of school rules.

Parking on school grounds is a privilege, not a right. Parking privileges may be revoked as a consequence for violating parking rules or for violating student behavior policies, school standards or school rules as provided in policy 4302, School Plan for Management of Student Behavior. School officials retain authority to conduct routine patrols of student parking lots and inspections of the exteriors of student motor vehicles on school property for any reason without notice or consent. Student cars parked on school property may be searched in accordance with policy 4342, Student Searches.

Legal References: G.S. 115C-46

Cross References: School Plan for Management of Student Behavior (policy 4302), Student Searches (policy 4342)

Adopted: April 11, 2011

Revised: November 1, 2021

INSURANCE FOR STUDENT TRANSPORTATION SERVICES

Policy Code: **6330**

No school bus, activity bus, or other vehicle owned, leased, or rented by the school system will be operated without bodily injury and property damage protection provided through the provisions of the State Tort Claims Act or through locally purchased liability coverage. School buses will not be used for any purpose or in any circumstance not covered by the State Tort Claims Act unless liability coverage has been purchased to cover such purpose or circumstance. Only activity buses and other vehicles meeting federal safety standards may be used for approved school-related activities. The superintendent or designee and principals shall monitor compliance with this policy.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -242, -257, -258, -259; G.S. 143 art. 31; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at https://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf

Cross References: Insurance (policy 8340)

Adopted: April 11, 2011

Revised: November 1, 2021; December 8, 2023; August 4, 2025

TRANSPORTATION
SERVICE/VEHICLE CONTRACTS

Policy Code: **6340**

The board may enter into contracts with public or private carriers in accordance with G.S. 115C-253, State Board of Education policy, any other applicable law, and this policy. Any contracts also must comply with policy 6450, Purchase of Services.

The superintendent or designee shall develop safety standards for contracted commercial bus transportation services used to transport students to school-related activities. The standards must comply with the requirements established by the State Board. The superintendent or designee shall develop a list of companies or individuals that meet these standards and are approved to provide student transportation services. If appropriate, the superintendent shall recommend that the board enter into interlocal cooperation agreements to assist in developing the standards and list of approved entities required under this paragraph.

The superintendent shall ensure that the school system contracts for student transportation services only with companies or individuals who are on the approved list.

The board may purchase or lease student transportation vehicles in accordance with law and board policy, including policy 6430, Purchasing Requirements for Equipment, Materials, and Supplies and policy 6425, Continuing Contracts. Any such vehicle must meet federal safety standards and state requirements.

All titles will be issued to the board of education. Sufficient liability coverage must be maintained in accordance with policy 8340, Insurance.

The board will consider requests for providing transportation services to a charter school. Such consideration will take into account any factors required by law.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; *North Carolina School Transportation Fleet Manual*, State Board of Education Policy TRAN-005; State Board of Education Policies TRAN-009, -010, -011; *School Charter Transportation Recommended Guidelines and Procedures*, available at http://www.ncbussafety.org/motorcoach/index.html

Cross References: Continuing Contracts (policy 6425), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Insurance (policy 8340)

Adopted: May 8, 2000

Revised: April 11, 2011; March 19, 2012; May 5, 2014; November 24, 2014; November 20, 2017

Reviewed: November 1, 2021

GOALS OF THE PURCHASING FUNCTION

Policy Code: **6400**

The board is committed to using its authority to purchase goods and services in a manner most likely to help students succeed. The board, superintendent and any other employees authorized to participate in purchasing decisions or the purchasing process will strive to meet the following goals:

1. obtaining the maximum benefits from all school system monies and furthering the educational goals of the board;

2. conducting all purchasing activities according to applicable laws, rules and regulations, good purchasing practices and ethical principles;

3. providing a climate of fair and open competition for all qualified vendors;

4. requiring satisfactory and proper performance of all contractual obligations of vendors; and

5. providing prompt and courteous service to other school system personnel, other governmental entities and vendors.

Legal References: G.S. 14-234, -234.1; 115C-36

Cross References: Goals and Objectives of the Educational Program (policy 3000)

Adopted: April 11, 2011

Reviewed: November 1, 2021

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

A. STANDARDS OF CONDUCT

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8305, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.

2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

   An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See G.S. 14-234 and policy 7730, Employee Conflict of Interest.

   Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See 2 C.F.R. 200.318 and policy 8305, Federal Grant Administration.

   A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of

the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.

6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value ($50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of $100 in a twelve-month period.

   Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the board minutes.

10. An employee shall not misuse information in violation of G.S. 14-234.1. Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the school system,

or in reliance on information known to the employee in his or her official capacity and not made public, to:

a. acquire a financial interest in any property, transaction, or enterprise;

b. gain a financial benefit that may be affected by the information or contemplated action; or

c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

B. TRAINING

The superintendent or designee shall ensure that all affected employees are aware of board policy requirements and applicable laws.

As described in policy 7730, Employee Conflict of Interest, employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts of interest and ethical standards of conduct.

C. VIOLATIONS

Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 7730, Employee Conflict of Interest, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 2121, policy 7730, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318(c); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 115C-335.15; 133-32, -33; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: April 11, 2011

Revised: February 18, 2013; December 14, 2018; April 2, 2024

Reviewed: November 1, 2021

PARTICIPATION BY HISTORICALLY UNDERUTILIZED BUSINESSES

Policy Code: **6402**

The board affirms the State's commitment to encourage participation of historically underutilized businesses in the school system'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 board has adopted the following verifiable percentage goals for participation in the school system's contracts by women and minority-owned businesses:

Three percent for participation by minority-owned, female-owned, disabled-owned, disabled business enterprises or non-profit work centers for the blind and severely disabled in the total annual value of all purchases of goods and services.

A. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board has adopted the following guidelines to ensure that the school system will make good faith efforts to reach diverse suppliers of goods and services and to encourage participation in the school system's purchasing progress by such suppliers. The school system will:

1. make information about the school system's purchasing procedures and bidding process readily available;

2. advertise for bids in media that reaches minority businesses;

3. ensure access to bidding documents needed for making bids on projects;

4. request directory information of businesses owned and controlled by minorities, women, disabled persons and nonprofit work centers for the blind or severely disabled by contacting the Division of Purchase and Contracts at the State Department of Administration;

5. sponsor or participate in purchasing seminars for all prospective vendors or, in particular for minority-owned, female-owned, disabled-owned, disabled business enterprises, and non-profit work centers for the blind or severely disabled;

6. provide information to HUBs on how to have a company name included on lists maintained by the Division of Purchase and Contracts at the State Department of Administration;

7. prepare vendor lists in accordance with policy 6442, Vendor Lists; and

8. where allowed by law, permit performance guarantees rather than performance bonds for contracts for goods and services.

B. DOCUMENTATION AND REPORTING

The superintendent or his or her designee will submit all legally required reports on the use of historically underutilized businesses and will document the use of businesses qualifying as historically underutilized 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

Cross References: Vendor Lists (policy 6442), Participation by Women and Minority-Owned Businesses (policy 9125)

Adopted: April 11, 2011

Reviewed: November 1, 2021

ORGANIZATION
OF THE PURCHASING FUNCTION

Policy Code: **6410**

The superintendent shall organize the purchasing function in a manner intended to meet the purchasing goals of the board. The purchasing function includes the following responsibilities:

1. making purchases for all departments in accordance with applicable laws and regulations, including the requirements of the State Division of Purchase and Contract when applicable, board policy, the superintendent's directives, good purchasing practices, and ethical principles;

2. establishing and enforcing a system for approving and accounting for purchases;

3. maintaining appropriate records on price quotations of supplies most frequently purchased;

4. maintaining other supplemental data to assist in making purchases at the most economical prices possible;

5. maintaining NC E-Procurement compliance and making purchases through the E-Procurement Service to the extent appropriate to maximize savings and efficiency in the purchasing function;

6. establishing a practical degree of standardization of equipment, supplies, and materials with sufficient flexibility to meet unique needs of schools and departments;

7. operating a central inventory warehouse;

8. supervising the receiving of all materials, including establishing procedures to ensure received goods are properly inspected, counted, and documented;

9. maintaining lists of potential bidders for various types of materials, equipment, and supplies;

10. providing information regarding bidding opportunities to vendors;

11. providing information and service to schools and departments that wish to make purchases; and

12. maintaining current information on all applicable laws, regulations, board policies, and administrative procedures.

Legal References: G.S. 143-49, -52, -52.3; 115C-522; 147 art. 6E, art. 6G; N.C. Session Law 2003-147; N.C. Procurement Manual, Department of Administration, Division of Purchase and Contract, available at https://ncadmin.nc.gov/government-agencies/procurement/procurement-

rules

Cross References:

Adopted: June 14, 2016

Revised: November 1, 2021

The board is the sole entity authorized to execute formal contracts between the school system and any firm or person offering to provide materials, equipment, or services to the school system. Creditors are on notice that the board may choose not to honor contracts entered into by school or school system officials without authority to enter into contracts.

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into 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 6421, Preaudit and Disbursement Certifications.) 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.

Any contract for materials, equipment, or services involving expenditures in excess of $10,000.00 must be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. (Approval requirements for construction and repair contracts are established in policy 9120, Bidding for Construction Work.) 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 or approve amendments to contracts for materials, equipment, supplies, or services involving amounts up to $25,000.00, except board approval is required for contracts and change orders that would result in more than $25,000 being paid to the same vendor during the same fiscal year or any consecutive 12-month period. Change orders for construction and repair contracts are subject to the requirements of policy 9030, Facility Construction, not this provision.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts involving amounts up to $10,000.00. The superintendent, with appropriate involvement of the finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

At least monthly, the superintendent shall report to the board all contracts and contract amendments approved by the superintendent under this policy that exceed $25,000.00.

B. CONTRACT FORMS

The board attorney shall review any contract forms developed for use by a school or the school system.

C. LEASE PURCHASE CONTRACTS

The finance officer must approve any request to enter lease purchase contracts as authorized by G.S. 115C-528, regardless of the dollar amount. 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 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, including, but not limited to, policies 6430, Purchasing Requirements for Equipment, Materials, and Supplies; 6450, Purchase of Services; 9030, Facility Construction; 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk; and 9120, Bidding for Construction Work.

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. 64 art. 2; 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), Preaudit and Disbursement Certifications (policy 6421), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Budget Resolution (policy 8110), Facility Construction (policy 9030), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110), Bidding for Construction Work (policy 9120)

Adopted: May 8, 2000

Revised: April 11, 2011; February 8, 2013; February 8, 2016; June 14, 2016; October 17, 2016; November 20, 2017; March 29, 2018; September 17, 2018; August 17, 2026

PREAUDIT AND DISBURSEMENT CERTIFICATIONS

Policy Code: **6421**

Except as otherwise provided by law, no obligation may be incurred by the school system unless the budget resolution includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year.

An obligation incurred in violation of the requirements of state law as specified in this policy is invalid and may not be enforced. The finance officer shall establish procedures in accordance with any rules adopted by the Local Government Commission to assure compliance with statutory requirements and this policy.

A. PREAUDIT CERTIFICATION

If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a purchase order for supplies and materials, the written contract, agreement, or purchase order will include on its face a certificate stating that the instrument has been preaudited to assure compliance with state law. The finance officer shall sign the certificate, which will take substantially the following form:

> This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act.
>
> _____
> (*date*)
>
> _____
> (*signature of finance officer*)

B. DISBURSEMENT CERTIFICATION

The board authorizes bills, invoices, salaries, and other claims to be paid by check or draft on an official depository; bank wire transfer from an official depository; electronic payment or an electronic funds transfer originated by the school system through an official depository; or warrant on the State Treasurer. Any check or draft on an official depository will bear on its face a certificate signed by the finance officer (or signed by a designated board member if the board approves a claim that was disapproved by the finance officer). The certificate will take substantially the following form:

> This disbursement has been approved as required by the School Budget and Fiscal Control Act.
>
> _____
> (*signature of finance officer*)

C. EXCEPTIONS TO THE CERTIFICATION REQUIREMENTS

No preaudit or disbursement certificate is required for (1) an obligation, or a document related to the obligation, that has been approved by the Local Government Commission; (2) payroll expenditures, including employee benefits; or (3) electronic payments made in compliance with rules adopted by the Local Government Commission.

Legal References: G.S. 115C-441; 20 N.C.A.C. 03.0409, 20 N.C.A.C. 03.0410

Cross References: Contracts with the Board (policy 6420), Budget Resolution (policy 8110), School Finance Officer (policy 8510)

Adopted: May 8, 2000

Revised: April 11, 2011; February 8, 2016; March 29, 2018

Reviewed: November 1, 2021

Continuing contracts, including lease purchase contracts, installment purchase contracts, and straight leases, provide flexibility to meet the school system's needs within its financial resources. The board encourages the superintendent and finance officer to consider the viability of such options in making purchasing decisions as permitted by state law.

The following procedures and standards will be used in making decisions to enter continuing contracts.

1. In addition to cash price bids, the school system may solicit financing proposals from the equipment vendors or inform equipment vendors that the purchase of the equipment is contingent on obtaining satisfactory financing.

2. The finance officer or other designee of the superintendent shall analyze the fiscal impact of any continuing contracts, including the amount of interest to be paid and the useful life of the equipment or goods before entering into such a contract.

3. Straight leases and financing services are not subject to competitive bidding; however, a reasonable effort will be made to obtain a competitive price and good value.

4. Guaranteed energy savings contracts must be entered into following the procedures established in G.S. 143-64.17A, -64.17B, -64.17D, -64.17E, -128.2 and -135.3. Guaranteed energy savings contracts are exempt from otherwise applicable bidding requirements.

5. Policy 6420, Contracts with the Board, must be followed for all continuing contracts.

6. The finance officer shall report to the board on at least a quarterly basis on the overall debt load incurred through continuing contracts for goods and services (other than for employee salaries). The report will specify the principal, interest paid and amount of outstanding obligations.

7. The board attorney shall review installment financing agreements with terms of more than one year.

Legal References: G.S. 143-64.17A, -64.17B, -64.17D, -64.17E, -128.2, -129.4, -135.3; 115C-47(28), -441(c), -441(c1), -432(b)(4), -528, -530; 159, art. 8; 160A-19, -20

Cross References: Contracts with the Board (policy 6420), Planning to Address Facility Needs (policy 9000)

Adopted: April 11, 2011

Reviewed: November 1, 2021

All purchases of apparatus, supplies, materials, and equipment will be made in accordance with all applicable state laws and regulations, including Article 8 of Chapter 143 and Articles 6E and 6G of Chapter 147 of the North Carolina General Statutes, board policy, and school system purchasing procedures. Purchasing contracts subject to the E-Verify requirement will contain a provision stating that the contractor and contractor's subcontractors must comply with the requirements of G.S. Chapter 64, Article 2. Purchases using federal funds must also be made in accordance with 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.) All employees involved in purchasing must be familiar with applicable requirements.

The purchasing officer shall ensure that written specifications for desired products are descriptive and clear and incorporate the quality requirements and service needs of the school system. There is no minimum number of bids, proposals, or quotes required for the purchase of apparatus, supplies, materials, and equipment (whether formally or informally bid); however, at least two bids, proposals, or quotes should be obtained when feasible.

The appropriate school system employee shall review submissions of bids, proposals, or quotes to determine if they are responsive to the system's specifications and make recommendations to the superintendent or designee. The superintendent or designee may award the contract based upon such recommendations if it is within their authority to contract as provided in policy 6420, Contracts with the Board, or may make a recommendation to the board for award of the contract by the board.

Apparatus, supplies, materials, and equipment must be purchased in accordance with the following requirements.

A. FORMAL BIDS (EQUAL TO OR MORE THAN $90,000)

The purchase of apparatus, supplies, materials, or equipment for expenditures equal to or more than $90,000 must be secured through the competitive bid process governed by G.S. 143-129. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for formally bidding a product or, as appropriate, utilizing one of the exceptions to formal bidding as provided below in Section E. The purchasing officer shall oversee the use of any purchasing method and ensure that all state requirements are met, including advertisement, sealed bids, maintaining records, and public opening of bids. 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.

Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract. To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify. All contracts awarded must be in writing.

The board permits the use of the following processes for contracts that require formal bidding.

1. Competitive Sealed Bids

   A competitive sealed bid (or invitation to bid) may be used to request the cost of particular goods by providing detailed specifications in advance.

2. Reverse Auction

   Pursuant to G.S. 143-129.9(a)(1), the school system may use reverse auctions as an alternative to sealed bid procedures. For purposes of this policy, "reverse auction" means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The superintendent, in consultation with the purchasing officer, shall determine whether reverse auctions are appropriate for a specific purchase or category of purchases. To conduct a reverse auction, the purchase officer may use a third party, may use the state's electronic procurement system, or, if appropriate equipment is available, may conduct the auction using school system equipment.

3. Exceptions to Formal Bids

   Any of the processes outlined below in Section E may be used in lieu of formal bidding, so long as all requirements of state law are met.

B. INFORMAL BIDS ($30,000 TO $90,000)

The purchase of apparatus, supplies, materials, or equipment for expenditures of at least $30,000 but less than $90,000 must be secured through the informal bidding process governed by G.S. 143-131. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for securing informal bids on a product. The purchasing officer shall oversee the use of any purchasing method and ensure that all state requirements are met, including maintaining records of all bids submitted. Records of informal bids will not be available for public inspection until the contract has been awarded. Awards will be made to the lowest responsible, responsive bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract.

1. Competitive Sealed Bids

   Informal bid requirements may be met by the use of sealed bids. The purchasing officer may utilize the methods for formal competitive bids provided in Section A or may determine other appropriate methods for soliciting sealed bids. The bid specifications must include the time, date, and place for opening bids. No advertisement for bids is necessary (unless the formal bid process is used); however, the purchasing officer may advertise for bids as he or she deems appropriate.

2. Quotations

   Informal bid requirements may be met by the solicitation of quotes from prospective vendors. Quotations may be solicited and submitted via telephone, fax, e-mail, or the North Carolina E-Procurement system. Telephone quotes must be placed in writing before a final contract will be awarded. Written quotations must be on the vendor's letterhead or an official quotation form.

3. Reverse Auction

   A reverse auction may be used to solicit informal bids, consistent with the process provided in Section A.2.

4. Exceptions to Informal Bids

   Any of the processes outlined below in Section E may be used in lieu of informal bidding, so long as all requirements of state law are met.

C. LOCAL REQUIREMENTS FOR PURCHASES FOR LESS THAN $30,000

When competitive bidding is not statutorily required, purchases should be made under conditions that foster competition among potential vendors. Purchasing decisions should be made after considering price, quality, suitability for specified need, and timeliness of delivery and performance. The board may refuse to enter into a contract with a supplier or contractor whose performance on a previous contract was found to be unsatisfactory by the superintendent or the board.

If informal bidding is used, the informal bidding process described in Section B, above, will be followed.

D. ELECTRONIC BIDDING

Pursuant to G.S. 143-129.9(a)(2), the school system may receive bids electronically in addition to or instead of paper bids. If electronic bids are used for purchases that must be formally bid, procedures for receipt of electronic bids must be designed to ensure the

security, authenticity, and confidentiality of the bids to at least the same extent as provided with paper bids. The superintendent, in consultation with the purchasing officer, shall determine whether electronic bidding is appropriate for a specific purchase or category of purchases.

E. EXCEPTIONS TO THE FORMAL AND INFORMAL BIDDING REQUIREMENTS

The school system may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The purchasing officer shall gather information to document the basis for the use of any exceptions to the competitive bidding requirements. The superintendent, in consultation with the purchasing officer, may determine that using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. Purchases from Other Governmental Agencies

   Pursuant to G.S. 143-129(e)(1), the school system may contract for the purchase, lease, or other acquisition of apparatus, supplies, materials, or equipment from any other federal, state, or local governmental agency.

2. Special Emergencies

   Pursuant to G.S. 143-129(e)(2), competitive bidding is not required in cases of special emergencies involving the health and safety of people or their property. For an emergency to exist under the statute, the following factors must exist: (1) the emergency is present, immediate, and existing; (2) the harm cannot be averted through temporary measures; and (3) the emergency was not self-created by the school system.

3. Competitive Group Purchasing

   Pursuant to G.S. 143-129(e)(3), the school system may make purchases or order repair work involving a combination of installation labor and equipment acquisition for heating and cooling systems through a competitive bidding group purchasing program, through which another entity uses a competitive process to establish contracts on behalf of multiple entities at discount prices.

4. State Term Contract

   Pursuant to G.S. 143-129(e)(9), the school system may purchase products included in state term contracts with the state vendor for the price stipulated in the state contract, if the vendor is willing to extend to the school system the same or more favorable prices, terms, and conditions as established in the state contract.

5. Sole Source Items

Pursuant to G.S. 143-129(e)(6), upon approval of the board of education, the school system may purchase an item through a single or sole source contract under the following circumstances: (1) when performance or price competition is not available; (2) when a needed product is available from only one source of supply; or (3) when standardization or compatibility is the overriding consideration. When requesting a purchase under the sole source exception, the purchasing officer shall provide the board with documentation that justifies the use of the exception.

6. "Piggybacking" or Previously Bid Contracts

Pursuant to G.S. 143-129(g), upon approval of the board of education, the school system may purchase from any supplier that, within the previous 12 months, has contracted to furnish the needed item to the federal government, to any state government, or to any agency or political subdivision of the federal government or any state government. Before recommending a purchase using the piggybacking exception, the purchasing officer shall ensure that the following requirements are met: (1) the price and other terms and conditions of the contract are at least as favorable as the prior contract; (2) the contract was entered into following a public, formal bidding process substantially similar to that required by North Carolina General Statutes; (3) the same vendor is used; and (4) notice of intent to award the contract without bidding is publicly advertised at least 10 days prior to the regularly-scheduled board meeting at which the contract will be approved. Before approving the contract, the board must determine that using the contract is in the best interest of the school system.

7. Purchases of Information Technology Goods and Services

Pursuant to G.S. 143-129(e)(7) and G.S. Chapter 143B, Article 15, the school system may purchase or lease information technology through contracts established by the Department of Information Technology. The purchasing officer shall work with the information technology department to ensure that any such purchases meet the needs of the school system.

In addition, the school system also may purchase information technology goods and services by using a request for proposal (RFP) pursuant to G.S. 143-129.8, provided that the following requirements are met: (1) notice of the request is provided consistent with the formal bidding notice requirements and (2) contracts are awarded to the person or entity that submits the best overall proposal as determined by the purchasing officer and superintendent. The RFP should describe the scope of work, general terms and conditions, specifications of the product needed by the school system, and the application process. The information technology supervisor shall assist the purchasing officer in reviewing the responsiveness of any RFP submitted pursuant to this subsection. RFPs will be evaluated using the "best value" method as defined in G.S. 143-135.9(a)(1) so that the system may select the most appropriate technological solution to meet the

school system's objectives. However, if the purchasing officer considers the purchase to be highly complex or is unable to clearly determine what the optimal solution for the school system is, the "solution-based solicitation" or "government-vendor partnership" method may be used. The purchasing officer may negotiate with the proposer to obtain a final contract that meets the best needs of the school system, so long as the alterations based on such negotiations do not deprive proposers or potential proposers of the opportunity to compete for the contract and do not result in the award of the contract to a different person or entity than would have received it if the alterations had been included in the RFP.

8. Gasoline, Fuel, and Oil Purchases

Pursuant to G.S. 143-129(e)(5), the school system may purchase gasoline, fuel, and oil products without using formal competitive bidding. However, such purchases are subject to the informal bidding requirements provided above.

9. Used Products

Pursuant to G.S. 143-129(e)(10), the school system may purchase previously used apparatus, supplies, materials, or equipment without using formal competitive bidding. Before purchasing used products, the purchasing officer shall ensure that the products are in good, usable condition and will be sufficient to meet the school system's needs for a reasonable period of time.

10. Published Materials

Pursuant to G.S. 115C-522(a), compliance with Article 8 of Chapter 143 of the General Statutes is not mandatory for the purchase of published books, manuscripts, maps, pamphlets, and periodicals. Such purchase shall be made in accordance with Section C of this policy.

F. LEASE PURCHASE CONTRACTS AND OTHER CONTRACTS FINANCED OVER TIME

Lease purchase contracts, contracts that include options to purchase, and leases for the life of equipment all must be bid consistent with the requirements of G.S. 143-129 and 143-131. The purchasing officer shall ensure that such contracts meet the legal requirements and the provisions of policy 6420, Contracts with the Board.

G. USE OF SCHOOL SYSTEM TERM CONTRACTS

The school system may create and use term contracts for items that are routinely purchased by the school system. If the estimated expenditure for a routine item under the term contract is equal to or exceeds $90,000, the contract must be formally bid. If the estimated expenditure is at least $30,000 but less than $90,000, the contract must be informally bid. The purchasing officer may incorporate the use of a term contract in the bidding specifications. If term contracts are used, the board attorney, in consultation with

the purchasing officer, shall review the contracts.

H. HISTORICALLY UNDERUTILIZED BUSINESSES

The board affirms the state's commitment to encouraging the participation of historically underutilized businesses in purchasing functions. The board will comply with all legal requirements and the standards in policy 6402, Participation by Historically Underutilized Businesses.

Legal References: 2 C.F.R. 200.317-326; G.S. 64 art. 2; 115C-36, -522; 143 art. 8; 143B art. 15; 147 art. 6E, art. 6G; Sess. Law 2013-128

Cross References: Participation by Historically Underutilized Businesses (policy 6402), Organization of the Purchasing Function (policy 6410), Contracts with the Board (policy 6420), Federal Grant Administration (policy 8305)

Adopted: May 8, 2000

Revised: April 11, 2011; June 17, 2013; October 21, 2013; February 8, 2016; June 14, 2016; November 20, 2017; April 2, 2024

Reviewed: November 1, 2021

The board encourages processes that will foster competition among potential bidders. The identity of contractors who have obtained proposals for bid purposes for a public contract is confidential until the bids are opened in public and recorded in the board minutes. Any employee who divulges such information to any unauthorized person will be subject to disciplinary action.

This policy is not intended to limit the superintendent's discretion to conduct prebid meetings.

Legal References: G.S. 133-33

Cross References: Ethics and the Purchasing Function (policy 6401)

Adopted: April 11, 2011

Reviewed: November 1, 2021

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.

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

Cross References: Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430)

Adopted: May 8, 2000

Revised: April 11, 2011; June 14, 2016; November 20, 2017; March 29, 2018; August 17, 2026

Reviewed: November 1, 2021

Services will be purchased in a manner consistent with the board's purchasing goals. The board generally does not require competitive bidding for the purchase of services; however, contracts for services will be made under conditions that foster competition among potential providers when feasible and after careful pricing.

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.

Purchases using federal funds must 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.)

Contracts entered into with entities or individuals to provide a driver education program for students must be awarded on a competitive basis through requests for proposals to contract and in accordance with the requirements of State Board of Education Policy DRIV-001.

This policy does not apply to contracts for architectural, engineering, surveying, and construction management at risk services, which are governed by policy 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-36; 143-64.31; 147 art. 6E, art. 6G; State Board of Education Policy DRIV-001

Cross References: Goals of the Purchasing Function (policy 6400), Federal Grant Administration (policy 8305), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: June 14, 2016

Revised: December 14, 2018

Reviewed: November 1, 2021

GOALS OF EQUIPMENT, MATERIALS AND SUPPLIES SERVICES

Policy Code: **6500**

Services for managing the school system's equipment, materials and supplies will be organized by the superintendent and operated in a manner consistent with the following goals:

1. enhancing students' opportunity to learn;

2. utilizing technological advances and other improvements in equipment, materials and supplies to increase the effectiveness and efficiency of personnel;

3. obtaining uniformity in the equipment, materials and supplies used throughout the system to the extent that such uniformity promotes efficiency;

4. efficiently storing, maintaining and retrieving equipment, materials and supplies;

5. maximizing the useful life of equipment, materials and supplies;

6. extending the usefulness of equipment, materials and supplies through reuse;

7. using and disposing of property in an environmentally sound manner; and

8. providing prompt and courteous service to vendors, school system personnel and others who have a need to interact with the school system in regard to equipment, materials and supplies.

Legal References: G.S. 115C-36

Cross References:

Adopted: April 11, 2011

Reviewed: November 1, 2021

ORGANIZATION OF EQUIPMENT, MATERIALS AND SUPPLIES SERVICES

Policy Code: **6510**

A. MANAGEMENT

The superintendent shall provide centralized services for purchasing, receiving, storing and maintaining equipment, materials and supplies. Such services will be provided in a manner consistent with board goals.

The superintendent or designee shall make reasonable efforts to be informed of and to implement progressive practices in managing equipment, materials and supplies services. Conscientious efforts will be made in the management of these resources to achieve efficiency and economy through centralized and bulk purchasing when consistent with available storage and distribution facilities. Good management also requires that needed supplies, materials, equipment and spare parts be readily available when and where they are needed and that space not be used for housing unnecessary inventory. The superintendent shall develop administrative procedures for providing and using centralized services and monitor compliance with these procedures.

B. RECORD KEEPING

The superintendent or designee shall maintain proper records in accordance with accepted business standards and any legal requirements. These records include inventory records, receiving and distribution records, and equipment maintenance records at the system and school levels.

C. ISSUANCE OF EQUIPMENT, MATERIALS AND SUPPLIES

All individuals, including principals, teachers, other personnel and students, are responsible for any board-owned equipment, materials or supplies they have been issued. Responsibilities include accounting for items, maintaining and using items in a prudent manner, and storing items in a reasonably safe and secure place.

Legal References: G.S. 115C-36

Cross References: Goals of Equipment, Materials and Supplies Services (policy 6500), Use of Equipment, Materials and Supplies (policy 6520)

Adopted: April 11, 2011

Reviewed: November 1, 2021

USE OF EQUIPMENT, MATERIALS, AND SUPPLIES

Policy Code: **6520**

Equipment, materials, and supplies are intended to further the board's goals as provided in policy 6500, Goals of Equipment, Materials, and Supplies Services. Any use that is inconsistent with these goals is not permitted. Equipment, materials, and supplies are made available for use in schools, on school system property, or at school-related events. The superintendent or building-level supervisor shall establish procedures or rules for allowing individuals or organizations to take such items, especially those of significant value, off of school premises.

Legal References: G.S. 115C-523, -524

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Goals of Equipment, Materials, and Supplies Services (policy 6500), Personal Use of Equipment, Materials, and Supplies (policy 6521), Use of Equipment, Materials, and Supplies by Non-School Groups (policy 6522), Network Security (policy 6524)

Adopted: May 8, 2000

Revised: April 11, 2011; November 20, 2017; November 1, 2021

PERSONAL USE
OF EQUIPMENT, MATERIALS AND SUPPLIES

Policy Code: **6521**

The board controls all equipment, materials and supplies purchased, leased or received as a gift. School personnel and students may not employ such items for personal use unless the following conditions are met: (1) the use is authorized by the principal or building-level supervisor; (2) the use will have no or minimal effect on the useful life of the item; (3) the use will not interfere with use for school system purposes; and (4) the use will not interfere with the requesting individual's job responsibilities or school assignments. Any individual obtaining permission is charged with proper preservation and care of the property.

Legal References: G.S. 115C-36, -523, -524

Cross References: Use of Equipment, Materials and Supplies (policy 6520)

Adopted: April 11, 2011

Reviewed: November 1, 2021

USE OF EQUIPMENT, MATERIALS AND SUPPLIES BY NON-SCHOOL GROUPS

Policy Code: **6522**

Members of the community may use resources in the media centers whenever the centers are open to the public. Students and school-related functions have priority over community members and non-school-related functions.

Members of the community and non-school groups may also request the loan of school property. The superintendent or designee, or principal if the requested property has been issued to the school, shall review requests. Property will be loaned only if the following conditions are met: (1) the use will have no or minimal effect on the useful life of the property; (2) the group's use of the property will not interfere with use for school system purposes; and (3) any other conditions required by the superintendent. Unless authorized by the superintendent, property of a value greater than $500.00 will not be loaned. Unless authorized by the superintendent, board property may not be taken off of school grounds.

Any agreement to loan the property must be in writing. The agreement must specify that the individual or group receiving the loan will be responsible for the proper care and preservation of the property and will compensate the school system for any loss in value as it is determined by the superintendent or designee. The agreement also must stipulate that no liability will attach to the board, individually or collectively, and that the board will be held harmless for personal injury suffered by the use of school property pursuant to such agreements. A reasonable use fee may be set by the superintendent or designee and included in the agreement. The superintendent is authorized to enter into such written agreements on behalf of the board.

Legal References: G.S. 115C-36, -523, -524

Cross References: Schools and the Community (policy 5000), Contracts with the Board (policy 6420), Use of Equipment, Materials and Supplies (policy 6520)

Adopted: April 11, 2011

Reviewed: November 1, 2021

The school system computers, networks, and other technological resources support the educational and administrative functions of the school system. Because employees and students depend on these systems to assist with teaching and learning and because sensitive and confidential information may be stored on these systems, system integrity and security is of utmost importance.

A. NETWORK AND INFORMATION SECURITY

The school system information technology systems are valuable assets that must be protected. To this end, school technology personnel shall evaluate each information technology asset and assign protective controls that are commensurate with the established value of such assets. Appropriate security measures must be in place to protect all information technology assets from accidental or unauthorized use, theft, modification, or destruction, and to prevent the unauthorized disclosure of restricted information. Network security measures must include an information technology system disaster recovery process. Audits of security measures must be conducted annually.

All personnel shall ensure the protection and security of information technology assets that are under their control.

B. SECURITY AWARENESS

The technology director or designee shall provide employees with information to enhance awareness regarding technology security threats and to educate them about appropriate safeguards, network security, and information security.

C. MALWARE PROTECTION

Malware detection programs and practices must be implemented throughout the school system. The superintendent or designee is responsible for ensuring that the school system network includes current software to prevent the introduction or propagation of computer malware.

D. TRAINING FOR USE OF TECHNOLOGICAL RESOURCES

Users should be trained as necessary to use technological resources effectively and in a manner that maintains the security of the network infrastructure and ensures compliance with state and federal law and regulations. Such training should include information related to remote access, virus protection, the state student information and instructional improvement system applications, network and information security, and other topics deemed necessary by the superintendent or technology director. Training may be conducted as part of the technology-related professional development program (see policy 3220, Technology in the Educational Program).

E. ACCESS TO INFORMATION TECHNOLOGY SYSTEMS

Access to the school system's information technology assets will be controlled and managed to ensure that only authorized devices/persons have access.

1. User ID and Password

   All users of information technology systems must be properly identified and authenticated before being allowed to access such systems. The combination of a unique user identification and a valid password is the minimum requirement for granting access to information technology systems. Depending on the operating environment, information involved, and exposure risks, additional or more stringent security practices may be required as determined by the superintendent or technology director. The technology director or designee shall establish password management capabilities and procedures to ensure the security of passwords.

2. Student Information System

   The technology director or designee shall ensure that all school system computers with access to the state student information system application pursuant to State Board of Education Policy SBOP-018 adhere to relevant standards and requirements established by the State Board of Education, including provisions related to user identification and password and workstation security standards. Employees must follow all such standards when using any computer to access the student information system, including when using the employee's personal computer.

3. Remote Access

   The superintendent and technology director may grant remote access to authorized users of the school system's computer systems. The technology director or designee shall ensure that such access is provided through secure, authenticated, and carefully managed access methods.

Legal References: G.S. 115C-523, -524; State Board of Education Policy SBOP-018

Cross References: Professional and Staff Development (policy 1610/7800), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), School Improvement Plan (policy 3430), Use of Equipment, Materials, and Supplies (policy 6520)

Other References: *State of North Carolina Statewide Information Security Manual* (Enterprise Security and Risk Management Office), available at http://it.nc.gov/document/statewide-information-security-manual

Adopted: November 20, 2017

Reviewed: November 1, 2021

All students will be issued the necessary textbooks for their course work free of charge. In an effort to reduce educational costs and to promote individual responsibility for public property, the board establishes the following requirements for this service.

1. Records will be kept on the condition of all textbooks, including the condition of the books at the time they are issued to students.

2. Instructional personnel shall emphasize to students their responsibility to maintain materials in good condition.

3. Students who lose or fail to return issued textbooks will be charged the cost of the book before a replacement will be issued.

4. Students who return a book in such condition as to make it unusable for another student will be charged for replacing it.

5. Parents or guardians will be notified of the student's responsibility in caring for textbooks properly and of the parents' or guardians' responsibility for paying for any textbooks that are lost or appreciably damaged.

Legal References: G.S. 115C-99, -100

Cross References:

Adopted: April 11, 2011

Reviewed: November 1, 2021

The board is committed to making resource conservation an integral part of the school system's operation and to providing an example to students and the community of responsible stewardship of natural resources.

The superintendent shall establish programs that will help the school system meet the following board goals:

1. integrating the concept of resource conservation, including waste reduction and recycling, into the curriculum;

2. reducing the consumption of consumable materials whenever possible;

3. fully utilizing all materials prior to disposal;

4. minimizing the use of non-biodegradable products whenever possible;

5. purchasing recycled products when financially viable; and

6. encouraging suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase by public schools.

Legal References: G.S. 115C-36; -47(41), -160A-327

Cross References:

Adopted: April 11, 2011

Revised: November 1, 2021

The board of education recognizes its responsibility for providing an environment that is reasonably secure from known hazardous materials. These materials include any substance or mixture of substances that poses a fire, explosive, reactive, or health hazard as more fully defined by law.

The superintendent shall develop procedures or programs as necessary to address compliance with applicable laws and regulations and the following board requirements.

1. Purchasing, storing, handling, transporting, and disposing of hazardous materials for all school facilities must be addressed in a reasonably safe manner.

2. Substituting less dangerous substances for hazardous materials should be done whenever feasible.

3. Training will be provided to appropriate school personnel on precautions to prevent accidents and to handle accidents in the event they occur.

The superintendent, principals, and other building-level supervisors shall monitor compliance with this policy, administrative procedures, and applicable laws and regulations.

Any individual who is concerned that a hazardous material is not being handled properly or that a hazardous material may cause an unreasonable risk to safety should notify the principal, building-level supervisor, or superintendent immediately.

It is not the intent of the board to expand or modify the school system's potential liability exposure through the adoption of this policy. The school system's voluntary compliance with any statute or regulation to which it is not otherwise subject will not be construed to create or assume any potential liability under any local, state, or federal law or regulation.

Legal References: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq*.; Oil Pollution and Hazardous Substances Control Act, G.S. 143, art. 21A; Solid Waste Management Act, G.S. 130A, art. 9; 15A N.C.A.C. 13A

Cross References:

Adopted: April 11, 2011

Reviewed: November 1, 2021

Vandalism is the willful destruction of school property, equipment, or materials. The board will not tolerate vandalism and may seek criminal prosecution and take any legal action available for recovery of the loss.

All losses that may be due to vandalism will be reported and recorded in accordance with procedures established by the superintendent. The principal shall notify the superintendent or designee immediately of any forceful entry that results in theft and/or damages to school property.

Policies on student behavior apply to any student who has participated in vandalizing school property.

Legal References: G.S. 1-538.1; 14-127.1, -132, -132.2; 115C-100, -276(c), -288(f), -307(h), -398, -399, -523, -524, -526

Cross References: Security of Facilities (policy 9220)

Adopted: November 23, 2015

Reviewed: November 1, 2021

When personal property becomes unnecessary and undesirable for public school purposes, the school system will sell or dispose of the property in order to provide additional revenue for educational purposes, in accordance with the requirements of Article IX, Section 7 of the North Carolina Constitution, G.S. 115C-518, and G.S. 160A, art. 12. Equipment and supplies acquired under a federal award will be disposed of in accordance with the terms and conditions of the federal award, all applicable requirements of federal law and regulation, and the provisions of this policy not inconsistent with such requirements.

Contracts for the sale or disposal of surplus property must be consistent with G.S. 147, art. 6E and 6G. Before any property may be sold or disposed of, it must be removed from the appropriate fixed asset inventory.

The superintendent or designee shall ensure that any confidential, proprietary, or other identifying information is removed from surplus property prior to disposition. In addition, the disposal of any equipment or other property through waste management services must be done in a manner consistent with environmental or other relevant rules and regulations.

A. PROPERTY WORTH LESS THAN $30,000

Pursuant to G.S. 160A-266(c), the board permits the superintendent or designee to dispose of personal property worth less than $5,000.00 for a single item or group of similar items; to set the property's fair market value; and to convey title to the property for the board of education. Prior to disposition, the superintendent or designee must make a finding that the property is no longer necessary or desirable for school use.

For property worth $5,000.00 or more but less than $30,000, the superintendent or designee shall determine and recommend to the board of education whether or not items or groups of similar items are unnecessary or undesirable for school purposes. The recommendation must include the description of the items or the groups of items and a recommended method of sale or disposition.

Property covered by this section may be disposed of through a public or private exchange or sale. The superintendent or designee shall choose or recommend any method of disposal that is designed to obtain a fair market value for the property in the most efficient and economical manner possible and is in the best interest of the school system, as determined by the superintendent or designee. For all public sales, the superintendent or designee must publish notice at least 10 days in advance. The notice must identify the property to be sold and set out the date, time, place, and terms of the sale. Notice must be published in a newspaper having general circulation and/or by electronic means.

The superintendent shall provide a semiannual report to the board detailing such transactions. The report must include: (1) a general description of the property sold or exchanged; (2) the name of the person(s) to whom the property was sold or with whom it

was exchanged; and (3) the amount of money or other consideration received for each sale or exchange.

B. PROPERTY WORTH $30,000 OR MORE

Property worth at least $30,000 will be disposed of pursuant to the requirements of G.S. 160A, art. 12, G.S. 115C-518, and Article IX, Section 7 of the North Carolina Constitution.

Legal References: 2 C.F.R. 200.313-200.314; N.C. Const. art. IX, § 7; G.S. 115C-518; 147 art. 6E, art. 6G; 160A, art. 12; *Boney v. Board of Trustees*, 229 N.C. 136 (1948)

Cross References: Fixed Assets Inventory (policy 8350)

Adopted: October 10, 20005

Revised: April 11, 2011; June 14, 2016; November 20, 2017; November 1, 2021; August 8, 2022

RECRUITMENT AND SELECTION OF PERSONNEL

Policy Code: **7100**

A. GENERAL PRINCIPLES

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age (40 or older), or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

The board also is committed to diversity throughout the programs and practices of the school system. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants.

B. RECRUITMENT

Recruitment for a specific vacancy will be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs; however, the superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee or if exigent circumstances necessitate that the position be filled immediately. Vacancies also may be publicized externally to attract qualified applicants.

C. CRIMINAL HISTORY

Except as otherwise provided in Section D of this policy, applicants must notify the Director of Human Resources immediately if they are arrested, charged with, or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the Director of Human Resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the Director of Human Resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or *nolo contendere*) of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a child care provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

In addition, each contract executed by the board with an independent contractor or for services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.

D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS

For purposes of this section, a "child care provider" is:

1. any person who works or is a final candidate seeking to work in a classroom or

program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and

2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every five years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

No person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a child care provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09 .2703(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the assistant superintendent of human resources in writing of such charges within five business days or before returning to work, whichever comes first. The Director of Human Resources shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for child care providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of child care providers.

E. SELECTION

1. Qualifications

Candidates for employment must be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information must be considered:

a. application;

b. education and training;

c. licensure and certification (when applicable);

d. relevant experience;

e. personal interviews; and

f. references and/or background checks.

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

a. For purposes of this subsection, the following definitions apply.

i. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ii. "Central office staff administrator" includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.

b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.

i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.

ii. Notification by the employee to the Director of Human Resources will be deemed disclosure to the board. The Director of Human Resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.

c. When making recommendations for the selection and assignment of

personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

3. Employment Procedures

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Bostock v. Clayton County*, 590 U.S. __, 140 S. Ct. 1731 (2020); *Green v. Missouri Pacific Railroad*, 523 F.2d 1290 (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -1209.11; *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09 .0102, .2701, .2702, .2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy BENF-009

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted: May 15, 1981
Revised: May 24, 1999; November 15, 2010; March 19, 2012; June 17, 2013; October 21, 2013; May 5, 2014; November 24, 2014; February 8, 2016; November 20, 2017; March 29, 2018; December 13, 2021; April 2, 2024

INFORMATION PROVIDED BY APPLICANT OR EMPLOYEE

Policy Code: **7110**

All information provided to the personnel office by an applicant for employment or by an employee must be true, accurate and complete to the best of that applicant's or employee's knowledge. Presenting information to the personnel department that is intended to defraud, falsify, materially misrepresent or conceal the truth will be considered just cause for terminating the application process or, as a violation of board policy, grounds for dismissing an employee.

Legal References: G.S. 115C-47(18), -325(e)(1)(o)

Cross References:

Adopted: November 15, 2010

Reviewed: December 13, 2021

EMPLOYEE HEALTH CERTIFICATE

Policy Code: **7120**

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate. Such certificate must be prepared by:

1. A physician licensed to practice in North Carolina;

2. A nurse practitioner approved pursuant to state law; or

3. A physician's assistant licensed to practice in North Carolina.

A new employee who has not previously been employed in a public school in North Carolina may provide a certificate prepared by a physician, nurse practitioner, or physician's assistant who holds a current unrestricted license or registration in another state, so long as evidence of that license or registration is on the certificate. Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to have a physical examination when deemed necessary.

Health certificates will be maintained in separate, confidential medical files in the human resources office.

Legal References: G.S. 115C-323

Cross References:

Adopted: November 15, 2010

Revised: February 13, 2013

Reviewed: December 13, 2021

The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law, and State Board of Education policies.

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator's license appropriate to his or her position.

2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy.

3. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.

4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the State Board of Education.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

   An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects, Fine and Performing Arts, and Foreign Languages

   In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, fine and performing arts, and foreign language courses in grades kindergarten through twelve provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under G.S. 115C-298.5(a1).

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status.

4. Cherokee Language and Culture Instructors

An individual approved to teach in accordance with an MOU entered into pursuant to G.S. 115C-270.21 will be authorized to teach Cherokee language and culture classes without a license.

5. Driver Education Instructors

An individual not licensed in driver education is authorized to work as a driver education instructor if the individual holds Certified Driver Training Instructor status according to minimum standards established by State Board of Education Policy DRIV-003.

6. Service Members and their Spouses Relocating to North Carolina

A service member or the spouse of a service member who is under military orders to relocate to North Carolina, is in possession of a current educator's license from another jurisdiction, and meets any other conditions established by 50 U.S.C. 4025a or State Board of Education Policy LICN-028 will be considered to hold a valid North Carolina educator's license until the military orders expire or June 30th of the year in which the military orders expire, whichever is later.

C. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. The school system will also participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

D. LICENSE CONVERSION

Teachers must meet all requirements of the State Board of Education to do any of the following: convert a residency license to an initial professional license or a continuing professional license; move from an initial professional license to a continuing professional license; or move from a continuing professional license to a lifetime license.

E. LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with G.S. 115C-270.30(b)(4) and applicable State Board of Education requirements. The superintendent or designee shall determine the professional development required of a teacher whose continuing professional license has reverted to an initial professional license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

Although lifetime license holders do not have to complete continuing education credits to maintain licensure, the superintendent may require them to participate in professional development opportunities as a condition of employment. (See policy 1610/7800, Professional and Staff Development.)

F. REPORTING MISCONDUCT

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 in writing to the State Board of Education within five days of the termination, nonrenewal, suspension, disciplinary action, or resignation. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the alleged

misconduct is presumed to have resulted in the resignation.

In addition, if a licensed employee is dismissed, is demoted, does not have an employment contract renewed, or resigns as the result of conduct that is not covered by the preceding paragraph 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 in writing to the State Board of Education within 30 days of the dismissal, demotion, nonrenewal, or resignation.

G. PARENTAL NOTIFICATION

At the beginning of each school year, school system officials shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction; whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; whether the teacher is teaching in the field of discipline of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system will give notice within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

H. EQUITABLE DISTRIBUTION OF TEACHERS

The superintendent shall assess whether low-income, minority, learning disabled, and/or English learners are being taught by inexperienced, ineffective, or out-of-field teachers at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 50 U.S.C. 4025a; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-157.1, -270.15, -270.20, -270.21, -270.35, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -326.20, -333, -333.1; 16 N.C.A.C. 6C .0301, .0302, .0304, .0305, .0306, .0307, .0308, .0313, .0336, .0337, .0338, .0340, .0341, .0342, .0344, .0346, .0349, .0350, .0360, 0361, 0362, .0363, .0602, .0604, .0605, .0608; State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, EVAL-035, LICN-001, LICN-007, LICN-010, LICN-011, LICN-012, LICN-013, LICN-014, LICN-015, LICN-017, LICN-018, LICN-019, LICN-020, LICN-023, LICN-024, LICN-025, LICN-026, LICN-027, LICN-028, LICN-030, LICN-031, LICN-032, LICN-033, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available at

https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources

Cross References: Professional and Staff Development (policy 1610/7800)

Adopted: November 20, 2017

Revised: December 14, 2018; December 13, 2021; March 20, 2023; April 2, 2024; August 4, 2025; July 20, 2026

GRIEVANCE PROCEDURE FOR EMPLOYEES *Policy Code:* **1750/7220**

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

A. INFORMAL RESOLUTION

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

B. DEFINITIONS

1. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

   a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure;

   b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or

c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.

4. Grievant

The grievant is the employee(s) making the claim.

5. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

C. TIMELINESS OF PROCESS

Failure by a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

D. GENERAL REQUIREMENTS

1. At all times during the grievance process, all parties in interest and their representatives must conduct themselves in a professional manner, including respecting the confidentiality of personnel matters.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and administration will consider requests to hear grievances from a group of grievants but have the discretion to hear and respond to grievants individually.

6. The board and administration will cooperate with the grievant and representative in the investigation of any grievance and will furnish the grievant or representative information pertinent to the grievance without cost to the grievant or the employee against whom the grievance is filed.

7. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and

(4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue, or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges that a state or federal law has been misapplied, misinterpreted, or violated, in which case the grievance may be presented instead to the Director of Human Resources (or to the superintendent if the employee's supervisor is the Director of Human Resources). The person receiving the grievance hereinafter will be referred to as "official." Any grievance against the superintendent should be filed directly with the board in accordance with subsection E.4, below.

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the human resources office.

b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. The official shall meet with the grievant at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the grievant with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.

b. The superintendent or designee shall arrange for a meeting with the grievant to take place within five days of the receipt of the appeal.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the grievant with a written decision within 10 days after the meeting with the grievant.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a

written request for a hearing before the board of education within 10 days of receiving the superintendent's response.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. RECORDS

Appropriate records will be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Cross References: Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500)

Adopted: May 18, 2015

Revised: February 15, 2021

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older) in its education program, which includes all operations, services, and activities of the school system, and will provide equal access to the Boy Scouts and other designated youth groups as required by law. In the context of employment, the board prohibits discrimination based on race, sex, color, national origin, religion, disability, age (40 or older), military affiliation, genetic information, or other unlawful grounds.

All forms of prohibited discrimination and harassment are subject to this policy except for sexual harassment in violation of Title IX of the Education Amendments Act of 1972, which is addressed separately in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

Though claims of discrimination or harassment on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, are subject to this policy, allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231 (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board encourages all individuals who believe that they have been discriminated against or harassed in violation of this policy or who have reliable information that another person has been discriminated against or harassed in violation of this policy to report such conduct as soon as possible through the process provided in Section B below. The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on one or more of the legally-protected characteristics listed in the first paragraph of this policy so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program.

2. Harassment

   Harassment is deliberate unwelcome conduct directed at another person or group of persons based on one or more of the legally protected characteristics listed in the first paragraph of this policy that creates a hostile environment or adversely affects a school system employee's employment. Harassment does not have to include intent to harm, be motivated by animus, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when (1) the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system or (2) the conduct is so severe or pervasive that an employee finds his or her working conditions to be abusive and a reasonable person in the employee's position would conclude that the working conditions were abusive.

   Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, derogatory epithets, comments, or slurs, imitating a person's disability-based limitations, mocking a person's accent, making fun of a person's religious garments, jewelry, or displays, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as hate symbols or derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, text message, or video calls.

   Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy. Legitimate age-appropriate pedagogical techniques are not considered harassment, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

3. Application of the Policy

   This policy applies to behavior that takes place: (1) in any school building or on

any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the individual is subject to the authority of school personnel; or (7) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools or has consequences in the workplace contributing to a hostile work environment.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Reporting Suspected Discrimination or Harassment

   Any person who believes that he or she has been discriminated against or harassed in violation of this policy or any third person who knows or suspects conduct that may constitute discrimination or harassment in violation of this policy should inform a school official designated in Section C below. Reports also may be made anonymously, including through the anonymous tip line.

2. Mandatory Reporting by School Employees

   Any employee who witnessed or who has reliable information or reason to believe that another person may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

   Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action, up to and including dismissal.

3. Preliminary Inquiry

   School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. Making a Complaint of Discrimination or Harassment

Any person who believes he or she is the victim of discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to discrimination or harassment in violation of this policy, may request that school officials investigate and redress any such unlawful conduct by making a formal written complaint to any of the following persons:

a. the principal or assistant principal of the school either the alleged victim or alleged perpetrator attends;

b. the principal, assistant principal, or site supervisor at the location where either the alleged victim or alleged perpetrator is employed;

c. the senior human resources official (or if the senior human resources official is the alleged perpetrator, the superintendent) if the alleged victim or alleged perpetrator is an employee or applicant for employment;

d. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability;

e. the Title IX coordinator, as established in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, for claims of discrimination on the basis of sex; or

f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. Addressing Complaints

A written complaint alleging that a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with this policy.

A written complaint alleging that a person who is not a student, employee, or applicant for employment has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated when necessary to remedy violations of this policy and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, Title IX, or other relevant coordinator of the complaint and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and any further avenues for addressing the

complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances and, in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination or harassment occurred, the investigator shall take or recommend steps to address the discrimination or harassment. The investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the discrimination or harassment, rectify any wrongful impacts, and prevent its recurrence.

b. If the investigator finds that the conduct did not violate this policy but violated policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

c. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

d. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

   a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

      i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

      ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

      iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

   b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

   c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. Appeals to the Superintendent

   The alleged victim may appeal the investigator's decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next subsection). The appeal must be submitted in writing within three business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10

business days after receiving the appeal, unless further investigation is needed.

2. Appeals to the Board

Student victims or their parents may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Victims who are employees or applicants for employment may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Discipline Rights Provided by Law

Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and grievance procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitute discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education or the Equal Employment Opportunities Commission.

The contact information for the Title IX coordinator can be found in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. The contact information for the other designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

b. The ADA Coordinator is: **Amber Flippen**
Office Address: **100 Courthouse Cirle, Danbury, NC 27016**
Email Address: **amber.flippen@stokes.k12.nc.us**
Phone Number: **336-593-8146**

c. The Age Discrimination Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

d. The Coordinator for Other Non-discrimination Laws is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy

Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at https://www2.ed.gov/about/offices/list/ocr/docs/race394.html; *Enforcement Guidance on Harassment in the Workplace*, U.S. Equal Employment Opportunity Commission (April 2024), available at https://www.eeoc.gov/laws/guidance/enforcement-guidance-harassment-workplace?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://www.dpi.nc.gov/parent-rights-handbook

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Adopted: February 15, 2021

Revised: September 22, 2023; August 19, 2024; August 4, 2025

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

Policy Code: **1730/4022/7231**

The board of education will not discriminate against qualified persons with disabilities on the basis of a disability. This non-discrimination policy includes, but is not limited to, benefits of and participation in system programs and activities. The system will provide aids, benefits, and school services to a person with disabilities in the most integrated school setting appropriate to his or her needs so that he or she may have an opportunity commensurate to that provided to persons without disabilities to obtain the same results, gain the same benefit, or reach the same level of achievement.

The superintendent is directed to develop appropriate procedures to implement this nondiscrimination policy. The superintendent or designee shall:

1. submit an assurance of nondiscrimination with each application for federal financial assistance;

2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;

3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;

4. publish the name, office address, and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents, and other individuals who participate in the school system's programs are aware of the coordinator(s);

5. make complaint procedures available as provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;

6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students, and parents;

7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program, or activity;

8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are

demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and

10. establish and implement a system of procedural safeguards with respect to the identification, evaluation, or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Service Animals in Schools (policy 4202/5029/7272)

Adopted: April 19, 2010

Revised: March 19, 2012; February 20, 2017; February 15, 2021

PREGNANT AND PARENTING STUDENTS AND EMPLOYEES

Policy Code: **4023/7233**

A. STUDENTS

1. Nondiscrimination

The board will provide all pregnant and parenting students with the same educational instruction as other students or its equivalent. Students will not be discriminated against or excluded from school or from any program, class, or extracurricular activity based on the students' current, potential, or past pregnancy or related conditions or because they are parenting students. For purposes of this policy, "pregnancy or related conditions" means pregnancy, childbirth, false pregnancy, termination of pregnancy, or lactation; medical conditions related to pregnancy, childbirth, false pregnancy, termination of pregnancy, or lactation; or recovery from pregnancy, childbirth, false pregnancy, termination of pregnancy, lactation, or related medical conditions.

2. General Requirements

School administrators shall provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate. In accordance with state law, school system officials shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Students who are pregnant or parenting will be given excused absences from school for pregnancy and related conditions for the length of time the students' physicians find medically necessary and for absences due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work will be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school. To the extent necessary, a homebound teacher will be assigned.

3. Providing Title IX Coordinator Contact and Other Information

When a student or student's parent or guardian informs any school system employee of the student's pregnancy or related conditions, the employee shall promptly provide that person with the Title IX coordinator's contact information and inform that person that the Title IX coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the school system's education program or activity. The employee does not need to provide such information if the employee reasonably believes that the Title IX coordinator has already been notified of the student's pregnancy or related conditions.

4. Specific Actions to Prevent Discrimination and Ensure Equal Access

Once a student or student's parent or guardian notifies the Title IX coordinator of the student's pregnancy or related conditions, the Title IX coordinator must coordinate the following specific actions designed to promptly and effectively prevent sex discrimination and ensure access to the school system's education program or activity:

a. provide the student (and, if applicable, the student's parent or guardian) the school system's notice of nondiscrimination on the basis of sex (see policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex);

b. consult with the student in order to offer, based on the student's individualized needs, reasonable modifications to school system policies, practices, or procedures, as necessary, and implement each reasonable modification offered by the school system and accepted by the student;

c. allow the student to voluntarily access any separate and comparable portion of the school system's education program or activity provided that the separate portion is comparable to that offered to students who are not pregnant and who do not have related conditions;

d. allow the student to voluntarily take a leave of absence from the school system education program or activity to cover, at a minimum, the period of time deemed medically necessary by the student's licensed healthcare provider and when the student returns following the voluntary absence, reinstate the student to the academic status and, as practicable, to the extracurricular status that the student held when the absence began; and

e. ensure that the student can access, as needed, a lactation space, other than a bathroom, that is clean, shielded from view, free from intrusion by others, and may be used for expressing breast milk or breastfeeding.

Supporting documentation or certifications will not be required unless necessary, reasonable, and legally permissible.

B. EMPLOYEES

The board prohibits discrimination in employment on the basis of current, potential, or past pregnancy or related conditions. Pregnancy or related conditions will be treated as any other temporary medical conditions for all job-related purposes.

1. Reasonable Accommodations for Pregnancy-Related Limitations

In accordance with the Pregnant Workers Fairness Act, qualifying applicants and employees with known limitations related to pregnancy, childbirth, or related

medical conditions will be provided reasonable accommodations, unless the accommodation demonstrably would impose an undue hardship on the operation of the school system. No adverse action will be taken against an applicant or employee for requesting or using a reasonable accommodation.

The superintendent shall ensure that appropriate procedures are in place to implement this requirement.

2. Break Time to Express Milk

After the birth of an employee's child, the employee will be provided reasonable break times to express breast milk for the child or breastfeed as needed for at least one year after the child's birth. The principal at each school and the site supervisor at other school system buildings and facilities will designate a place, other than a bathroom, that the employee may use to express milk or breastfeed. Any designated place must be functional as a space for expressing milk or breastfeeding, shielded from view, and free from intrusion from others.

Legal References: Consolidated Appropriations Act, P.L. 117-328, div. II - Pregnant Workers Fairness Act, 29 C.F.R. pt. 1636; Fair Labor Standards Act, as amended, 29 U.S.C. 201, *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-375.5

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Equal Educational Opportunities (policy 4001), Attendance (policy 4400)

Adopted: August 16, 2010

Revised: August 19, 2024; August 4, 2025

Reviewed: June 21, 2021

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: **1720/4030/7235**

The school system does not discriminate on the basis of sex in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: **Dr. Jared Jones**
Office Address: **100 Courthouse Circle, Danbury, NC 27016**
Email Address: **jared.jones@stokes.k12.nc.us**
Phone Number: **336-593-8146**

B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex. Any person may report alleged discrimination on the basis of sex, other than sexual harassment, in a school system program or activity occurring against a person in the United States through the process provided in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in a school system program or activity occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law.

D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020)

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Staff-Student Relations (policy 4040/7310)

Adopted: February 15, 2021

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT – PROHIBITED CONDUCT AND REPORTING PROCESS

Policy Code: **1725/4035/7236**

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. As provided in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, the board will not tolerate sexual harassment in the education program and activities of the school system. The board takes seriously all reports and formal complaints of sexual harassment.

This Title IX sexual harassment policy specifically prohibits sexual harassment as that term is defined under Title IX. It provides a process for students, employees, and others to report such sexual harassment for response by school officials. All incidents of conduct that could constitute sexual harassment under this policy are to be reported and treated in accordance with this policy, whether or not the incidents may also constitute violations of other board policies or standards of conduct.

Conduct that involves discrimination or harassment on the basis of sex but that does not meet the definition of sexual harassment prohibited by this policy may nevertheless violate other board policies or established standards of conduct and will be treated accordingly. See, for example, policy 1735/4329/7311, Bullying and Harassing Behavior Prohibited, policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, and policy 4040/7310, Staff-Student Relations. Nothing in this policy is intended to limit discipline for violations of other board policies in such circumstances when appropriate and consistent with law. In addition, nothing in this policy is intended to limit reports to law enforcement when warranted.

Individuals who believe they have been subjected to sexual harassment prohibited by this policy or who have witnessed or have reliable information that another person has been subjected to sexual harassment prohibited by this policy should use the process provided in Section C of this policy to report such violations.

The board also provides a grievance process for those who believe they have been victims of sexual harassment that is designed to achieve prompt and equitable resolution of formal complaints of sexual harassment through a formal investigation and adjudication of the allegations in the complaint or through informal resolution processes. The grievance process is provided in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. Affected individuals are encouraged to report sexual harassment in accordance with the process provided in Section C of this policy before filing a formal complaint to initiate the grievance process.

The superintendent is responsible for ensuring that effective notice of this policy is provided to students, parents, employees, and applicants for admission or employment.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits sexual harassment by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

Sexual harassment prohibited under Title IX and by this policy is conduct *on the basis of sex* occurring in a school system education program or activity that satisfies one or more of the following:

1. an employee of the school system conditioning the provision of an aid, benefit, or service of the school system on an individual's participation in unwelcome sexual conduct;

2. unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school system's education program or activities. This determination requires consideration of all the facts and circumstances, including, but not limited to, the ages and disability statuses of the harasser and the victim and the number of individuals involved and their authority;

3. sexual assault, defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI UCR). The FBI UCR classifies as sex offenses (1) any sexual act (i.e., rape, including sodomy and sexual assault with an object, and fondling) directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age and (2) unlawful sexual intercourse (i.e., statutory rape and incest);

4. dating violence, which means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, with the existence of such a relationship determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;

5. domestic violence, which includes crimes committed by a current or former spouse or intimate partner of the victim under North Carolina family or domestic violence laws and also includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who (1) is a current or former spouse or intimate partner of the victim, or a person similarly situated to a spouse of the victim; (2) is

cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (3) shares a child in common with the victim; or (4) commits acts against a youth or adult victim who is protected from those acts under North Carolina family or domestic violence laws; or

6. stalking, which means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Conduct that satisfies this standard is not sexual harassment for purposes of this policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the school system did not have substantial control over both the harasser and the context in which the harassment occurred.

All references to "sexual harassment" in this policy mean sexual harassment that meets this definition.

Examples of conduct on the basis of sex that would be considered sexual harassment if the conduct satisfies the criteria above include, but are not limited to: unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature, such as deliberate, unwelcome touching that has sexual connotations or is of a sexual nature; suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats; pressure for sexual activity; continued or repeated offensive sexual flirtations, advances, or propositions; continued or repeated verbal remarks about an individual's body; sexually degrading words used toward an individual or to describe an individual; sexual assault; sexual violence; the display of sexually suggestive drawings, objects, pictures, or written materials; posting sexually suggestive pictures of a person without the person's consent; and forwarding pornographic material depicting a classmate or other member of the school community. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature may also constitute sexual harassment.

B. DEFINITIONS

The following additional definitions apply in this policy.

1. Report

   A report is an oral or written notification that an individual is an alleged or suspected perpetrator or victim of sexual harassment.

   Making a report initiates the interactive process with the complainant described in Section D.1, below. No disciplinary action will be taken against a respondent for sexual harassment based on a report alone.

2. Formal Complaint

   A formal complaint is a document signed and filed with the Title IX coordinator by a complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that school officials investigate the allegation(s). Filing a formal complaint initiates the grievance process set forth in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

   At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activities of the school system.

3. Complainant

   The complainant is the individual(s) who is alleged to be the victim of conduct that could constitute sexual harassment.

4. Consent

   Consent must be informed and freely and affirmatively given through mutually understandable words or actions that indicate a willingness to participate in the sexual activity. Consent can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Consent to one type of sexual activity does not amount to consent to another type of activity. Prior consent or sexual relations with the same person do not imply future consent. The fact that both people are in a relationship does not, by itself, establish consent. A person cannot consent if they are unconscious, asleep, or impaired to the extent that they do not understand what is going on. Minors under the age of 16 are incapable of giving consent to sexual activity with a person more than four years older than the minor. Consent may never be given by mentally disabled persons if their disability was reasonably knowable to a sexual partner who is not mentally disabled. Consent between parties engaging in sexual activity does not prevent the school system from taking disciplinary action against the parties for violation of any other board policy.

5. Respondent

   The respondent is the individual(s) who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

6. Grievance Process

   Grievance process means the process for investigating and reaching a final

determination of responsibility for a formal complaint of sexual harassment. The sexual harassment grievance process is set out in policy 1726/4036/7237.

7. Title IX Coordinator

The Title IX coordinator is a school official who is designated to coordinate the school system's response to sexual harassment and allegations of sexual harassment. Contact information for the Title IX coordinator is posted on the school system's website and listed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

8. Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school system's education program and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the school system's educational environment, or deter sexual harassment.

Supportive measures available to the parties include, but are not limited to, counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other similar measures determined by school officials to be necessary to protect the safety or educational or employment activities of a party.

9. Days

Days are calendar days unless specified otherwise.

10. Student(s)

"Student(s)" means the student and/or the student's parent or legal guardian unless the context clearly indicates otherwise. When the complainant or respondent is a student, references to those terms also include the student's parent or legal guardian unless the context clearly indicates otherwise.

11. Actual Knowledge

"Actual knowledge" means a school employee has notice of sexual harassment or allegations of sexual harassment.

C. REPORTING SEXUAL HARASSMENT

1. Student Reports

Any student who believes he or she is a victim of sexual harassment occurring in the school system's education programs or activities is encouraged to report the matter to the student's principal or to the Title IX coordinator. Reports may also be made to a teacher, counselor, assistant principal, teacher assistant, or any other school employee. Middle and high school students may also report sexual harassment through the anonymous tip line, but school officials may be limited in their ability to respond if the report does not identify the complainant.

2. Mandatory Reporting by School Employees and Board Members

Any employee or member of the board of education who has actual knowledge of sexual harassment or allegations of sexual harassment occurring in the education program or any activity of the school system must report that information immediately to the Title IX coordinator.

Any of the following confers "actual knowledge" and must be reported immediately:

a. a report of sexual harassment from a student or other person;

b. the employee or board member witnesses conduct that is or reasonably could be sexual harassment; or

c. the employee or board member discovers evidence of sexual harassment, such as sexualized graffiti on school property, or otherwise has reliable information or reason to believe that a student, employee, or other individual may have been sexually harassed in violation of this policy, even if no one has reported the sexual harassment.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator, and it is safe to do so. An employee with actual knowledge of possible sexual harassment in violation of this policy who does not promptly report the conduct and/or take proper action as required by this subsection, or who knowingly provides false information about the incident, will be subject to disciplinary action, up to and including dismissal.

Any doubt about whether particular conduct is possible sexual harassment must be resolved in favor of reporting the conduct.

The mandatory reporting required by this section is in addition to required reporting under policies 4040/7310, Student-Staff Relations, and 4240/7312,

Child Abuse and Related Threats to Child Safety, where the conduct at issue requires a report under either of those policies.

3. Reporting by Others

All other members of the school community are strongly encouraged to report any act that may constitute an incident of sexual harassment in violation of this policy to the school principal, the Title IX coordinator, or the superintendent.

4. Content of the Report

To the extent possible, reports should be sufficient to put school officials on notice of conduct that could constitute sexual harassment. Employees making mandatory reports should provide as much detail about the alleged sexual harassment as is known, unless such disclosure would violate law or standards of professional ethics. Reports, other than mandatory reports by employees, may be made anonymously, but anonymous reports may limit the school system's ability to respond fully if the alleged victim is not identified.

5. Time Period for Making a Report

Reports by students and third parties can be made at any time. During non-business hours, reports can be made by using the contact information for the Title IX coordinator provided on the school system's website and in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. A report should be made as soon as possible after disclosure or discovery of the facts giving rise to the report. Delays in reporting may impair the ability of school officials to investigate and respond to any subsequent formal complaint.

School employees and board members with actual knowledge of sexual harassment must report that information immediately, as provided in subsection C.2 above.

D. SCHOOL OFFICIALS' RESPONSE TO ACTUAL KNOWLEDGE OF SEXUAL HARASSMENT

As required to meet the school system's obligations under Title IX, school officials shall respond promptly and impartially to actual knowledge of alleged sexual harassment in a manner that is not deliberately indifferent. A response that is not deliberately indifferent is one that is not clearly unreasonable in light of the known circumstances and includes, at a minimum, the provision of supportive measures to the complainant, as described in this section.

Consistent with this duty, school officials shall respond to all reports of conduct that could constitute sexual harassment in accordance with this section. However, a report alleging conduct that is not sexual harassment as defined in this policy is not subject to this policy but may be referred to appropriate school officials as a possible violation of

other board policies.

1. Title IX Coordinator Initiates Interactive Process with Complainant

   Upon receiving a report of alleged sexual harassment, the Title IX coordinator shall promptly contact the complainant and the complainant's parent or guardian confidentially. This contact must occur within three days, excluding weekends, absent extenuating circumstances. The Title IX coordinator shall also notify the principal of the report and, if an employee is the complainant or respondent, the senior human resources official or designee.

   When contacting the complainant and parent or guardian, the Title IX coordinator shall do all of the following during the contact and shall document the same:

   a. offer supportive measures;

   b. consider the complainant's wishes with respect to supportive measures;

   c. explain that supportive measures are available with or without the filing of a formal complaint; and

   d. explain the process for filing a formal complaint with the Title IX coordinator and the response required of the school system when a complaint is filed, including all the following:

      i. that a formal complaint will initiate the grievance process described in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process;

      ii. that a formal complaint may be filed with the Title IX coordinator in person, by mail, or by electronic mail;

      iii. the major steps in the grievance process, including (1) a notice of the allegations that will be provided to the respondent that includes identification of the complainant and the allegations made; (2) an investigation of the allegations of sexual harassment in which both parties will have opportunity to have an advisor, present witnesses, review evidence, pose written questions of the other party, and receive a copy of the investigative report; (3) a decision on responsibility in which a decision-maker objectively evaluates all relevant evidence and determines whether the respondent engaged in the alleged sexual harassment in violation of this policy; and (4) the opportunity for either party to appeal the decision;

      iv. the approximate time frame for concluding the grievance process;

v. that school officials will treat both parties equitably by (1) providing remedies to the complainant if the respondent is found responsible, and (2) by not imposing disciplinary sanctions on the respondent without first following the grievance process set forth in policy 1726/4036/7237;

vi. the circumstances under which a formal complaint might be consolidated with other formal complaints or dismissed; and

vii. that the Title IX coordinator may have an obligation to initiate the grievance process in the absence of a formal complaint filed by the complainant and the time frame in which that decision will be made.

2. Title IX Coordinator Arranges Implementation of Supportive Measures

After considering the complainant's wishes, the Title IX coordinator shall arrange the effective implementation of appropriate supportive measures unless, in the exercise of good judgment, the Title IX coordinator determines that supportive measures should not be provided. If supportive measures are not provided to the complainant, the Title IX coordinator shall document why supportive measures were not provided and why not providing supportive measures is not deliberately indifferent to known sexual harassment.

If the complainant is a student with a disability, the Title IX coordinator may need to consult with appropriate school personnel to determine whether adjustments to the student's IEP or Section 504 plan are needed to implement any supportive measures to be provided and/or whether the student's plan necessitates any adjustment to the proposed supportive measures.

3. Title IX Coordinator Determines Whether to Sign a Formal Complaint

If the complainant declined to file a formal complaint within the designated time period following the interactive process described above, the Title IX coordinator shall determine on a case-by-case basis whether to sign, i.e., file, a formal complaint to initiate the grievance process.

The Title IX coordinator should file a formal complaint (1) if the respondent is a school employee and the complainant is a student; and (2) in other cases where, in the exercise of good judgment and in consultation with the school attorney as appropriate, the coordinator determines that a grievance process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. Credibility or merit of the complaint shall not be considered in making the determination.

A decision by the Title IX coordinator to sign a formal complaint is not to be

construed as supportive of the complainant or in opposition to the respondent or as an indication of whether the allegations are credible or have merit, or whether there is evidence sufficient to determine responsibility. Signing a formal complaint does not make the Title IX coordinator a complainant or party to the complaint nor relieve the Title IX coordinator from any responsibilities under this policy.

The Title IX coordinator shall document the decision of whether to sign a complaint and the reasons for that decision.

4. Presumption of Non-responsibility of Respondent and Bar on Disciplinary Sanctions without Due Process

The respondent identified in any report alleging sexual harassment under this policy will be presumed not responsible for the alleged conduct until the respondent's responsibility is conclusively established through the grievance process outlined in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

No disciplinary sanction or other action that is not a supportive measure, including but not limited to (1) short or long-term suspension, expulsion, or transfer to an alternative school or program for student-respondents and (2) suspension, demotion, or dismissal for employee-respondents, may be imposed for a violation of this policy unless the respondent agrees to a specific disciplinary sanction or action in an informal resolution or has been determined to be responsible for the sexual harassment at the conclusion of a grievance process that complies with the process in policy 1726/4036/7237. An employee-respondent, however, may be placed on administrative leave during the pendency of the grievance process if consistent with applicable state and federal laws.

Notwithstanding the limitation just described, respondents are subject to emergency removal as described in the next paragraph.

5. Emergency Removal of Respondent from School or Employment

Any respondent is subject to removal from the school system's education program and activities, or any part of the program or activities, on an emergency basis if a school-based threat assessment team conducts an individualized safety and risk analysis and determines that removal is justified because the person poses an immediate health or safety threat to any person arising from the allegations of sexual harassment. A removal under this subsection includes a transfer of a student to an alternative education program consistent with policy 3470/4305, Alternative Learning Programs/Schools. A schedule change, and/or removing a student from an extracurricular activity is also considered a removal under this subsection where such action would not otherwise constitute a supportive measure.

The emergency removal may take place regardless of whether a formal complaint has been filed. However, any such removal must be consistent with federal and state law, including any applicable law protecting the rights of individuals with disabilities. The respondent shall receive notice of the removal and an opportunity to challenge the decision in an informal hearing with the superintendent or designee immediately following the removal.

An employee may be placed on administrative leave with or without pay during the pendency of the grievance process set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, if consistent with state law and in accordance with any applicable requirements of state law.

The superintendent or designee shall document all emergency removal decisions under this subsection, including the immediate threat to health or safety that justified the removal.

6. Supportive Measures

Supportive measures will be available to both the complainant and respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures will remain confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures. The Title IX coordinator is responsible for coordinating the effective implementation of supportive measures.

E. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

The grievance process for formal complaints of sexual harassment under this policy is set out in policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process. The policy also provides an informal resolution process for complainants who seek an alternate means of resolution to their complaint.

As described in subsection D.3 above, the Title IX coordinator may also initiate the grievance process, as needed.

F. RECORDS

The Title IX coordinator shall create and maintain for a period of seven years records of all reports and formal complaints of sexual harassment. For each report or formal complaint, the coordinator shall document the following:

1. any actions, including any supportive measures, taken in response to the report or formal complaint;

2. that school officials have taken measures that are designed to restore or preserve

equal access to the school system's education program and activities;

3. why school officials believe their response to the report or complaint was not deliberately indifferent; and

4. if supportive measures were not provided to the complainant, why that was not clearly unreasonable in light of the known circumstances.

In conjunction with the superintendent, the Title IX coordinator shall also maintain for seven years all materials used to train the Title IX coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-335.5

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Alternative Learning Programs/Schools (policy 3470/4305), Staff-Student Relations (policy 4040/7310), Child Abuse and Related Threats to Child Safety (policy 4240/7312)

Adopted: August 19, 2024

Revised: August 4, 2025

TITLE IX SEXUAL HARASSMENT GRIEVANCE PROCESS

Policy Code: **1726/4036/7237**

The process provided in this policy is designed for those who believe that they have been sexually harassed in violation of policy1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and wish to file a formal complaint. School officials shall follow the grievance process established in this policy when responding to all formal complaints of sexual harassment.

The superintendent is responsible for notifying students and their parents or legal guardians, employees, and applicants for employment of this policy and ensuring that each principal or site supervisor provides a copy of this policy to these persons.

A. DEFINITIONS

All definitions in policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, are incorporated by reference and have the same meaning when used in this policy, including all references to "sexual harassment" in this policy.

The following additional definitions apply in this policy.

1. Investigator

   The investigator is the school official responsible for investigating and responding to a formal complaint.

2. Decision-Maker

   The decision-maker is the school official responsible for making a determination regarding responsibility in response to an investigation of sexual harassment triggered by a formal complaint.

3. Investigative Report

   The investigative report is a written account of the findings of the investigation conducted in response to a formal complaint.

4. Remedies

   Remedies are individualized measures provided to a complainant designed to restore or preserve the complainant's equal access to the education program and activities of the school system when a respondent is found responsible for sexual harassment.

Remedial measures available to a complainant following a determination of responsibility include counseling, mental health services referral, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, escort services, mutual or one-way restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring, and other measures determined by school officials to be necessary to restore or preserve the complainant's equal access to the education program and activities, regardless of whether such measures impose a burden on the respondent or are punitive or disciplinary in nature.

5. Disciplinary Sanctions

Disciplinary sanctions are consequences imposed on a respondent when the respondent is found responsible for sexual harassment.

B. FILING A FORMAL COMPLAINT TO INITIATE THE GRIEVANCE PROCESS

A formal complaint initiates the grievance process.

1. Individuals Who May File a Formal Complaint

a. Eligible Complainants

Eligible individuals who believe that they have been sexually harassed in violation of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, may initiate the grievance process for alleged sexual harassment by filing a formal written complaint with the Title IX coordinator. To be eligible to file a formal written complaint, the complainant must be participating in or attempting to participate in the education program or activities of the school system at the time of filing.

b. The Title IX Coordinator

If the complainant does not wish to file a formal complaint and the matter has not been adequately resolved through the provision of supportive measures, the Title IX coordinator may initiate the grievance process by signing a formal complaint. In accordance with law, only the complainant and the Title IX coordinator may initiate the grievance process; no other individuals or school officials shall have authority to do so.

2. Time Period for Filing a Formal Complaint

There is no deadline for filing a complaint. A complaint should be filed as soon as possible after the conduct occurs, preferably within 30 days after the complainant becomes aware of the alleged sexual harassment, unless the conduct

forming the basis for the complaint is ongoing. School officials will initiate the grievance process regardless of when the formal complaint is submitted, but delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

In addition, in some circumstances it may be necessary for the Title IX coordinator to sign a formal complaint to initiate the grievance process in order to meet the school system's legal obligations when the coordinator is aware of sexual harassment or alleged sexual harassment and the complainant has not yet filed a formal complaint. The Title IX coordinator can do so at any time.

3. Contents of the Formal Complaint

The complaint should (1) contain the name and address of the complainant and the student's parent or guardian if the complainant is a minor student, (2) describe the alleged sexual harassment, (3) request an investigation of the matter, and (4) be signed by the complainant or otherwise indicate that the complainant is the person filing the complaint.

4. How to File the Formal Complaint

The complaint may be filed with the Title IX coordinator in person, by mail, or by email. Complaint forms may be obtained from the Title IX coordinator or on the school system website.

5. School System's Response to Receipt of the Formal Complaint

a. Upon receipt of a formal complaint of sexual harassment, the Title IX coordinator shall engage in an interactive process with the complainant, consider the provision of supportive measures in light of the complainant's wishes, provide supportive measures as appropriate, and otherwise fulfill the requirements of Section D of policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, unless the Title IX coordinator has already done so in response to an initial report of the same allegation of sexual harassment.

b. School officials reserve the right to consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The Title IX coordinator shall advise the complainant if the formal complaint will be consolidated with others.

c. The formal complaint initiates the grievance process as described below.

C. GENERAL PRINCIPLES OF THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS

To ensure a complete, thorough, and fair grievance process for formal complaints of sexual harassment, school officials responsible for the investigation, adjudication, or appeal of a formal complaint of sexual harassment shall comply with the following requirements. Failure by any school official to comply with these requirements or other standards or procedures established in this policy is cause for disciplinary action.

1. Equitable Treatment

   Complainants and respondents must be treated equitably throughout the grievance process. Relevant evidence collected in the investigation of a formal complaint must be evaluated objectively. No individual designated as a Title IX coordinator, investigator, decision-maker, or appeal decision-maker will have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

   The complainant and respondent shall be provided an equal opportunity to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be an attorney. If a party elects to be represented by an attorney, the party should notify school officials in advance so that an attorney for the school system may also be present. Any restrictions on advisor participation in any proceeding must be applied equally to both parties.

   The complainant and respondent will both be provided a description of the range of supportive measures available to them.

2. Adequate Training

   The Title IX coordinator, and all persons serving as Title IX investigators, decision-makers, or appeal decision-makers shall receive training on what constitutes sexual harassment, the scope of the school system's education program and activities, how to conduct an investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers will be trained on any technology to be used at a live hearing and on issues of relevance of questions and evidence.

   Materials used to train coordinators, investigators, decision-makers, and appeal decision-makers will not rely on sex stereotypes and shall promote impartial investigations and adjudications of sexual harassment. Copyright restrictions will be taken into consideration in selecting training materials in order to comply with the school system's legal obligation to make all training materials available on the school system's website.

3. Presumption of Non-Responsibility/Innocence

   At all times prior to a determination regarding responsibility by the decision-maker, there will be a presumption that the respondent is not responsible for the alleged conduct.

4. Burden of Proof and Production of Evidence

   The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will at all times rest on the school system and not on the complainant or respondent. Formal rules of evidence shall not apply in the grievance process.

5. Written Notice of Meetings and Other Proceedings

   Parties whose participation is invited or expected at any hearing, investigative interview, or other meeting will be provided written notice of the event's date, time, location, participants, and purpose with sufficient time for the party to prepare to participate.

6. Confidentiality and Privacy

   The school system will keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment, any complainant, any respondent, and any witness, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. A violation of this provision may constitute retaliation.

   All meetings, hearings, or other proceeding conducted pursuant to this policy will be private except to the extent that the parties are permitted to be accompanied by others as provided in subsection C.1 above.

   School officials shall not access, consider, disclose, or otherwise use a party's medical, mental health, or other records that are made or maintained by a professional or paraprofessional in connection with the provision of treatment to the party without the party's voluntary written consent.

7. No Disclosure of Privileged Information

   No person acting on behalf of the school system shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

8. Timeliness of Process

School officials shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the grievance process will be concluded through the adjudication phase within 90 days after filing the formal complaint. The board reserves the right to extend this time frame or any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay. Good cause may include but is not limited to the absence of the parties or witnesses, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.

The Title IX coordinator or other responsible school official shall make reasonable efforts to keep the complainant and respondent apprised of progress being made during any period of delay.

D. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART I – INVESTIGATION

1. Step 1 – Notice of Allegations

   a. Upon the filing of a formal complaint, the Title IX coordinator shall, within five school business days, provide the known parties written notice of the allegations that includes:

      i. notice of the allegations of sexual harassment in sufficient detail to permit the parties to prepare a response before any initial interview, including:

         a) the identities of the parties involved, if known;

         b) the conduct allegedly constituting sexual harassment; and

         c) the date and location of the alleged incident, if known;

      ii. a copy of this policy to give notice of the school system's grievance process, including the investigative and adjudication procedures, and any informal resolution process available;

      iii. notice that the parties may have an advisor of their choice and that either party may inspect and review any evidence;

      iv. notice of the provision in board policy 4340, School-Level Investigations, that prohibits students and employees from knowingly making false statements or knowingly submitting false information during the grievance process; and

      v. a statement that the respondent is presumed not responsible for the

alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process.

b. If during the investigation, the investigator decides to investigate allegations of sexual harassment not included in the initial notice provided above, notice of the additional allegations will be provided to the parties.

2. Step 2 – Review Grounds for Dismissal of the Formal Complaint

The Title IX coordinator shall review the allegations and determine whether the formal complaint must be dismissed without further investigation because the conduct alleged in the formal complaint, even if assumed true, would not constitute sexual harassment as defined in this policy, did not occur in the school system's education program or activities, or did not occur against a person in the United States. Such a dismissal does not preclude action under another provision of the Code of Student Conduct, board policy, or expected standards of employee behavior. The complaint will not be dismissed at this stage on the basis that the allegations are frivolous, without merit, or otherwise unfounded.

Upon a dismissal, the Title IX coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The Title IX coordinator shall refer the matter that was the subject of the dismissed complaint to the principal for further action as warranted.

3. Step 3 – Initiating the Investigation

If the complaint may proceed, the Title IX coordinator shall notify the appropriate investigator, who shall investigate the formal complaint.

a. In order to provide a neutral and objective investigation, the investigator shall not be a party to the complaint under investigation. The investigator of a formal complaint is ordinarily determined as described below; however, the Title IX coordinator, in consultation with the superintendent, may determine that conflict of interest, bias, or other individual circumstances warrant the assignment of a different investigator.

i. If the respondent is a student, the investigator is the principal or designee of the school with jurisdiction over the incident.

ii. If the respondent is an employee or applicant for employment, the investigator is the senior human resources official or designee.

iii. If the respondent is neither a student nor an employee/applicant for employment, the principal of the school/site supervisor at which

the complainant is enrolled or employed shall be the investigator.

iv. Notwithstanding the above designations, (1) if the respondent is the senior human resources official, the superintendent shall investigate the complaint; (2) if the respondent is the superintendent or a member of the board, the Title IX coordinator shall immediately notify the board chair who shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. The investigator may request assistance from the Title IX coordinator to conduct the investigation.

c. The Title IX coordinator and the investigator shall jointly assess the need for supportive measures for either party, including assessing the effectiveness of any supportive measures currently being provided to the complainant, and, as necessary, will implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation and prior to a final determination regarding responsibility. Supportive measures provided to the complainant or respondent will be maintained as confidential to the extent that maintaining such confidentiality does not impair the ability to provide the supportive measures.

d. The investigator shall explain the process of the investigation to the complainant and respondent.

4. Step 4 – Conducting the Investigation

The investigator is responsible for gathering evidence sufficient to reach a determination of whether the allegations in the formal complaint are true and whether the facts as determined by the investigator establish that sexual harassment as defined in this policy occurred. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the respondent; (3) individuals identified as witnesses by the complainant or respondent; and (4) any other individuals who are thought possibly to have relevant information. Prior written notice shall be provided to a party whose participation is invited or expected for any investigative interview or meeting in accordance with subsection C.5 above. The investigator shall provide the complainant and respondent an equal opportunity to present fact and expert witnesses and other evidence tending to prove or disprove the allegations.

b. The investigator shall ensure that the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the school system and not on the complainant or respondent.

c. The investigator shall not restrict the ability of either party to gather and present relevant evidence or to discuss the allegations under investigation.

d. The formal complaint and the investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information. Any requests by the complainant or respondent for further confidentiality will be evaluated within the context of the legal responsibilities of the school system.

The investigator may, with approval of the Title IX coordinator, dismiss the formal complaint or any allegations therein if at any time during the investigation or decision-making process: (1) the complainant notifies the Title IX coordinator in writing that he or she would like to withdraw the formal complaint or any allegations therein; (2) the respondent is no longer enrolled or employed by the school system; or (3) specific circumstances prevent school officials from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. Upon dismissal, the Title IX coordinator shall promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties. The parties have the right to appeal the decision as provided in Section F.

The investigator may consider the matter that was the subject of the dismissed complaint for action in accordance with board policy for violation of other expected standards of student or employee behavior.

5. Step 5 – Investigative Report and Opportunity to Review Evidence

a. The investigator shall prepare an investigative report that fairly summarizes the relevant evidence.

b. Before completing the final report, the investigator shall send to each party and the party's advisor, if any, in hard copy or electronically, all the evidence collected which is directly related to the allegations raised in the formal complaint. The parties shall have 10 days to submit a written response for the investigator's consideration before the investigator finalizes the investigative report.

c. Following the parties' opportunity to respond to the written evidence, the investigator shall finalize the written investigative report, including a recommendation on the question of responsibility and any recommended discipline sanction.

d. The investigator shall provide a copy of the report to each party and the party's advisor, if any, for their review and written response. The investigator shall also notify the parties of the opportunity to submit written questions to the other party and witnesses as provided in subsection E.2 below. The parties shall have 10 days to provide a written response to the investigative report, along with the party's initial set of written questions.

e. The investigator shall provide to the decision-maker a copy of the investigative report, the relevant evidence, and the parties' written responses to the report and initial sets of written questions.

The investigator shall also provide a description of the procedural steps taken, starting with the receipt of the formal complaint and continuing through the preparation of the investigative report, and including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence.

E. THE GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART II – ADJUDICATION

The superintendent or designee (hereinafter "superintendent") shall serve as the decision-maker. In his or her role as decision-maker, the superintendent shall provide for the exchange of questions between the parties and a decision on responsibility in a manner consistent with state law and as provided below.

1. Step 1 – Student's Opportunity to Request a Hearing

In cases where the respondent is a student, after the investigative report has been sent to the parties, both parties shall have three school business days to request a hearing. If either party requests a hearing, the long-term suspension hearing procedures described in policy 4370, Student Discipline Hearing Procedures, shall be followed, except that (1) both parties shall have the right to participate in the hearing to the extent required by Title IX; (2) all the evidence sent to the parties pursuant to subsection D.5.b above will be made available at the hearing to give each party equal opportunity to refer to such evidence during the hearing; and (3) prior to the hearing, both parties shall have a limited opportunity to submit and respond to written questions and follow-up questions as provided below.

2. Step 2 – Exchange of Questions and Answers

Whether or not there will be a hearing and regardless of whether the respondent is a student, after the parties are sent the investigative report, the superintendent shall provide the parties an opportunity to submit written, relevant questions that the party wants asked of any other party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party in

accordance with a reasonably prompt time frame established by the superintendent. The parties shall submit their initial set of written questions at the time they submit their response to the investigative report as described in subsection D.5.d above.

a. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be considered not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's sexual behavior with respect to the respondent and is offered to prove consent.

b. The superintendent must explain to the party proposing the questions any decision to exclude questions as not relevant.

3. Step 3 – Decision on the Question Regarding Responsibility

Following the exchange of questions and/or hearing as described above, the superintendent shall decide the question regarding responsibility, any disciplinary action, and any other measures the superintendent deems appropriate. The superintendent shall consider all the relevant evidence objectively, including evidence in the investigative report, any testimony of witnesses at the hearing, if one was held, and any additional information provided by the parties through the exchange of questions and responses as provided in subsection E.2 above.

Based on an objective evaluation of the evidence, the superintendent shall determine whether the preponderance of the evidence supports a finding that the respondent is responsible for sexual harassment in violation of board policy, and if so, what disciplinary sanction will be imposed. Remedies will be provided to the complainant if the respondent is found responsible.

4. Step 4 – Written Determination Regarding Responsibility

The superintendent shall issue a written determination regarding responsibility simultaneously to both parties that includes:

a. identification of the allegations potentially constituting sexual harassment under board policy;

b. a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

c. findings of fact supporting the determination;

d. conclusions regarding the application of board policy and/or the Code of Student Conduct or expected standards of employee behavior to the facts including whether, the respondent engaged in prohibited sexual harassment or other proscribed conduct;

e. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the respondent (which may be a recommendation to the board for discipline that is beyond the authority of the superintendent or other decision-maker), and whether remedies designed to restore or preserve equal access to the school system's education program and activities will be provided to the complainant;

f. the procedures and permissible bases for the complainant and respondent to appeal; and

g. any other notices that are required to accompany the decision under state law, such as when the superintendent imposes a long-term suspension or recommends dismissal of an employee.

F. GRIEVANCE PROCESS FOR FORMAL COMPLAINTS: PART III – APPEAL

The parties shall have the right to appeal to the board of education the determination regarding responsibility, the outcome of any disciplinary proceeding, and any dismissal of a formal complaint or any allegations therein. If a party appeals both the determination regarding responsibility and the outcome of a disciplinary proceeding, both matters will be heard by the board at the same time. If both parties appeal, the appeals will be heard at the same time.

1. Deadline and Grounds for Appeal

Either party may appeal by submitting a request in writing to the superintendent within three school business days of receiving the determination regarding responsibility, unless the party is entitled to a longer appeal period under state law or board policy. Any longer appeal period applicable to one party shall apply equally to the other party. The grounds for appeal may be any of the following:

a. procedural irregularity that affected the outcome of the matter;

b. new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter;

c. the Title IX coordinator, investigator, or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the

individual complainant or respondent that affected the outcome of the matter;

d. the disciplinary sanction is inappropriate or unreasonable; or

e. any other basis provided by law or board policy governing appeals to the board.

2. Notice of the Appeal

In all appeals, the other party will be notified in writing when an appeal is filed and be provided a copy of the appeal.

3. Appeal Procedures

a. The board will hear the appeal. Unless otherwise required by law, the board may designate a panel of two or more board members to hear and act on behalf of the board.

b. Appeal procedures will be implemented equally for both parties and will follow the procedures in policy 2500, Hearings Before the Board, modified as necessary to allow equal participation of the parties.

If the appeal includes an appeal of a disciplinary sanction, the procedures in policy 4370, Student Discipline Hearing Procedures; policy 7940, Classified Personnel: Suspension and Dismissal; or policy 7930, Professional Employees: Demotion and Dismissal, shall also apply as applicable.

c. After the notice of appeal is provided, both parties will be given 10 days to submit a written statement in support of, or challenging, the outcome. If the basis of the appeal is newly available evidence affecting the outcome, the party shall submit such evidence or a summary of such evidence along with the party's written statement.

d. The board will review the record and the written argument of the parties submitted on appeal, determine whether additional information is needed from any party, and take any other steps that the board determines to be appropriate in order to respond to the appeal.

4. Decision on Appeal

a. After considering the record and written statements of the parties, the board will determine whether the grounds for the appeal have been substantiated.

b. If substantiated, the board will determine the appropriate response, which may include a remand for a new investigation, a new decision, or both, or such other action as the board determines is needed to correct the error in the original proceedings.

c. The board will provide a written decision describing the results of the appeal and rationale for the result within thirty days after receiving the appeal unless the decision is delayed for good cause. The written decision will be provided simultaneously to both parties.

5. When the Decision Becomes Final

If an appeal is timely filed, the determination regarding responsibility becomes final at the conclusion of the appeal process. However, if the decision on appeal is remand, the determination regarding responsibility does not become final until that process, including any appeal of the proceedings on remand, is concluded. If an appeal is not filed, the determination regarding responsibility becomes final after the three-day appeal period.

The superintendent shall ensure that a copy of the final decision is provided to the Title IX coordinator and shall confer with the Title IX coordinator regarding any remedies to be provided to the complainant, as described in subsection G.4 below.

G. DISCIPLINARY CONSEQUENCES, REMEDIES, AND OTHER RESPONSES FOR SUBSTANTIATED SEXUAL HARASSMENT

1. Disciplinary Consequences for Students

Disciplinary consequences for substantiated sexual harassment will be assigned in accordance with the Code of Student Conduct. Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the conduct also may be reported to law enforcement, as appropriate.

A student recommended for a long-term suspension or expulsion will have all applicable rights accorded by board policy and state law. A student with disabilities will have all rights accorded by law, including the right to a manifestation hearing before the imposition of a suspension exceeding 10 cumulative days in a school year.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint. However, false or malicious complaints of sexual harassment and false statements made in bad faith in the course of any

grievance proceeding conducted pursuant to this policy are subject to disciplinary action.

Nothing in this policy will preclude the school system from taking disciplinary action against a student when the evidence does not establish sexual harassment as defined in this policy but the conduct violates other board policy and/or the Code of Student Conduct.

2. Disciplinary Consequences for Employees

Substantiated sexual harassment by employees is subject to discipline up to and including dismissal. In addition, the conduct may also be reported to law enforcement, as appropriate.

An employee recommended for suspension, demotion, or dismissal shall have all applicable rights accorded by board policy and state law.

Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish sexual harassment as defined in this policy, but the conduct violates other board policy or expected standards of employee behavior.

3. Consequences for Other Perpetrators

Volunteers and visitors who engage in sexual harassment will be directed to leave school property and/or be reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from access to school property, and/or subject to other consequences, as appropriate. Nothing in this policy will be construed to confer on any third party a right to due process or other proceedings to which student and employee respondents are entitled under this policy unless such right exists under law.

4. Remedies

At the conclusion of the grievance process, the superintendent or other decision-maker shall confer with the Title IX coordinator to determine the remedies to be provided to the complainant when the respondent is found responsible for sexual harassment. The Title IX coordinator shall consult with the complainant in determining appropriate remedies.

The Title IX coordinator shall be responsible for the effective implementation of the remedies to be provided to the complainant.

5. Consideration of Need for More Extensive Response

If the superintendent determines that a school-wide or system-wide response is needed in order to respond to the sexual harassment in a way that is not clearly unreasonable under the circumstances, the superintendent shall provide additional staff training, harassment prevention programs, or such other measures as determined appropriate to protect the safety of the educational environment and/or to deter sexual harassment.

H. INFORMAL RESOLUTION

The board provides informal resolution processes to resolve some formal complaints of sexual harassment without a full investigation and adjudication. Informal resolution is not available unless a formal complaint is filed and will not be used to resolve formal complaints alleging that an employee sexually harassed a student. Further, school officials shall never condition an individual's enrollment, employment, or other rights on an agreement to waive the individual's right to a formal investigation and adjudication of a formal complaint.

The Title IX coordinator, or other school official in consultation with the Title IX coordinator, may offer the parties an informal process to resolve a formal complaint at any time prior to reaching a final determination regarding responsibility. Before using an informal resolution process, school officials must ensure that both parties have given voluntary, informed, written consent to attempt informal resolution. Accordingly, the Title IX coordinator, investigator, or decision-maker shall:

1. provide the parties (including the parent of a minor) a written notice disclosing:

    a. the allegations;

    b. the nature and requirements of the informal resolution process, including that if the parties agree to a resolution of the matter, the agreement precludes either party from resuming a formal complaint process arising from the same allegations; and

    c. any consequences that could result from participating in the informal resolution process, including whether records will be maintained and could be shared; and

2. obtain the parties' voluntary, written consent to the informal resolution process.

Any agreement reached by the parties through informal resolution may include measures that are designed to restore or preserve the parties' equal access to the education program and activities, including measures that may be punitive or disciplinary in nature.

Any informal process should be completed within a reasonable period of time, not to exceed 60 days from filing the complaint unless special circumstances necessitate more

time. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.

I. RETALIATION PROHIBITED

Any act of retaliation or discrimination against any person for the purpose of interfering with any right or privilege secured by Title IX or because the person has made a report or filed a formal complaint or testified, assisted, or participated or refused to participate in any investigation, proceeding, or hearing involving sexual harassment is prohibited. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

Complaints alleging retaliation are to be treated as claims of sex discrimination and may be filed in accordance with policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

J. RECORDS

The superintendent or designee shall maintain for a period of seven years records of the following:

1. each sexual harassment investigation including:

    a. any determination regarding responsibility;

    b. any audio or audiovisual recording or transcript from any live hearing;

    c. any disciplinary sanctions imposed on the respondent; and

    d. any remedies provided to the complainant designed to restore or preserve equal access to the school system's education program and activities;

2. any appeal and the result therefrom;

3. any informal resolution and the result therefrom; and

4. in conjunction with the Title IX coordinator, all materials used to train Title IX coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. These materials will be made publicly available on the school system's website.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of*

Education, 526 U.S. 629 (1999)

Cross References: Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), School-Level Investigations (policy 4340), Student Discipline Hearing Procedures (policy 4370), Visitors to the Schools (policy 5020), Discrimination and Harassment in the Workplace (policy 7232), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: February 15, 2021

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code: **7240**

The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health, and productivity of employees. It is the policy of the board that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits employees from possessing, using, selling, delivering, manufacturing, or being under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance, or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 at any time this policy is applicable. Employees are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of a substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at any time this policy is applicable, regardless of whether it constitutes a controlled substance under state or federal law. Employees must not, at any time this policy is applicable, be impaired by the use of substances intended to induce exhilaration or euphoria or alter mood or behavior or be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual's possession of or proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

B. APPLICABILITY

This policy governs each employee before, during, and after school hours while the employee is on any property owned or leased by the board; at any time during which the employee is acting in the course and scope of his or her employment with the board; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

Independent contractors, volunteers, and visitors are subject to all requirements of this policy while on school property or at a school-sponsored event.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or

alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech, and/or performance indicators of drug or alcohol use. The observations must be made by a supervisor or other school system official with training or experience in such indicators.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer, or independent contractor who operates a commercial motor vehicle or performs other safety-sensitive functions in the course of duties for the board may be subject to drug and alcohol testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

An employee must notify his or her supervisor and the Director of Human Resources in writing of any arrest, charge, or conviction under any criminal drug statute. (See also policy 7300, Staff Responsibilities.) Notification must be given no later than the next scheduled business day after such arrest, charge, or conviction unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. The notification must be given before the employee reports to work. Within 10 days of receiving notice of a criminal drug statute conviction for a violation occurring in the workplace by an employee whose position is funded in any part by a federal grant, the Director of Human Resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest, or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board that could result in non-renewal or termination of employment with the school system or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board or federal, state, or local health, law enforcement, or other appropriate agency. Information concerning available counseling, rehabilitation, and re-entry programs will be provided to employees. Any illegal drug activity will be reported to law enforcement authorities.

All employees shall receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 8101 *et seq*.; 21 C.F.R. 1300.01-.04 and 1308.11-.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: July 12, 1999

Revised: January 3, 2000; November 15, 2010; November 11, 2011; June 17, 2013; October 21, 2013; November 20, 2017; March 29, 2018; December 13, 2021

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

Policy Code: **7241**

The purposes of this policy are to help ensure the safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program for the drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

A. APPLICABILITY

This policy applies to any driver, which for purposes of this policy is defined as any employee, volunteer, or independent contractor whose duties for the board of education require a commercial driver's license under federal law. This includes anyone who regularly or intermittently drives a school bus, an activity bus, a vehicle designed to transport 16 or more people (including the driver), or any other vehicle that meets the definition of commercial motor vehicle under 49 C.F.R. 382.107. Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition.

B. PROHIBITED ACTS

No driver may:

1. operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body, in violation of G.S. 20-138.2B;

2. use alcohol while performing safety-sensitive functions;

3. perform safety-sensitive functions within four hours after using alcohol;

4. use alcohol within eight hours following an accident while operating a commercial motor vehicle or until undergoing a post-accident alcohol test, whichever occurs first;

5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or

6. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance that is identified in the other federal schedules of controlled drugs, unless such use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include, but are not limited to, inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading or unloading of a commercial motor vehicle; and repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

In addition, drivers and anyone who supervises drivers must not commit any act prohibited by federal law, including the federal regulation entitled "Controlled Substances and Alcohol Use and Testing" (49 C.F.R. pt. 382, hereinafter referred to as Part 382), or by policy 7240, Drug-Free and Alcohol-Free Workplace.

C. TESTING

The human resources office will carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty, and follow-up testing for drugs and alcohol as required by Part 382.

Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.

D. EMPLOYEE AND APPLICANT INQUIRIES

All employees subject to this policy, all employees who would become subject to this policy by virtue of a change or expansion of duties, and all applicants who would be subject to this policy if employed by the board must consent in writing to the release of any information gathered pursuant to Part 382 by any previous employers and must give written or electronic consent to any query by school officials of the federal Commercial Driver's License Drug and Alcohol Clearinghouse ("Clearinghouse").

1. Pre-Employment Inquiry

   Before employing any applicant subject to this policy, school officials shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer regarding violations of Part 382 in the three years prior to the inquiry date. School officials shall also conduct a query of the Clearinghouse, pursuant to the applicant's electronic consent submitted through the Clearinghouse, to obtain any information regarding the applicant's violations of Part 382.

   If school officials obtain information from the applicant's previous employer or from the Clearinghouse that the applicant committed a violation of Part 382 and has not subsequently completed the return-to-duty process required under federal law, the applicant may be disqualified from employment.

2. Annual Query

School officials shall conduct a limited query of the Clearinghouse at least once per year for each employee subject to this policy, pursuant to the employee's written or electronic consent, to determine whether information exists about the employee regarding violations of Part 382. If information exists about the employee, school officials shall obtain the information in the Clearinghouse within 24 hours of conducting the limited query, subject to the employee's electronic consent submitted through the Clearinghouse.

E. TRAINING AND EDUCATION

Each driver and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences, and other aspects of Part 382, this policy, and any accompanying administrative procedures. The information also will identify a school system employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying his or her receipt of these materials.

Each supervisor who is responsible for overseeing the performance of drivers, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and one additional hour of training concerning drug abuse.

F. REFERRALS

Each driver who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

G. CONSEQUENCES

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to disciplinary action, up to and including dismissal.

Any employee who has committed a violation of Part 382 will not be allowed to perform any safety-sensitive functions until the employee has completed the return-to-duty process, including an evaluation by a substance abuse professional, completion of any appropriate treatment designated by the substance abuse professional, and achievement of a negative return-to-duty test. Moreover, if the employee's violation of Part 382 has been reported to the Clearinghouse, the employee may not resume safety-sensitive functions until a query of the Clearinghouse demonstrates that the employee completed the return-to-duty process.

H. PROCEDURES

All procedures for collection and testing provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training, and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.

Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: February 6, 2017

Revised: December 13, 2021

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff, and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term "tobacco product" means any product that contains or is made or derived from tobacco and is intended for human consumption, including all lighted and smokeless tobacco products, as well as electronic cigarettes, vaporizers, and other electronic smoking devices even if they do not contain tobacco or nicotine.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers, and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.

2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.

3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing, or otherwise ingesting tobacco.

4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.

5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students, and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.

6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel, and the public.

7. All school personnel are required to adhere to and enforce this policy and other policies,

rules, or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; 21 U.S.C. 321 (rr); G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted: November 23, 2015

OCCUPATIONAL
EXPOSURE TO BLOODBORNE PATHOGENS

Policy Code: **7260**

It is the policy of the board to comply with federal and state regulations and standards regarding bloodborne pathogens as set forth in the Federal Register, 29 C.F.R. 1910.1030, and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0207, by attempting to limit or prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

A. REASONABLY ANTICIPATED OCCUPATIONAL EXPOSURE

Employees who have occupational exposure to bloodborne pathogens are covered by the Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this policy. "Occupational exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or a student with a nosebleed, would not be considered "reasonably anticipated occupational exposure," and employees whose only anticipated exposure to bloodborne pathogens would result from such acts are not considered to have occupational exposure.

B. UNIVERSAL PRECAUTIONS

Universal precautions must be used at all times. Employees should handle all blood, bodily fluid and other potentially infectious material as if the material is infected. The program standards for the control of potential exposure to Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as outlined in the OSHA Rule, "Occupational Exposure to Bloodborne Pathogens" (Standard 1910.1030), and the NC Administrative Codes and/or the most current standards available must be followed.

C. EXPOSURE CONTROL PLAN

The superintendent shall ensure that an Exposure Control Plan is developed in accordance with OSHA regulations or the most current available federal and/or state standards issued to eliminate or minimize employee occupational exposure to blood or certain other bodily fluids that may carry infectious materials. In addition, the superintendent shall ensure that the following requirements are met.

1. The Exposure Control Plan must provide, at a minimum, for the following:

    a. a determination of who is at risk for an exposure incident;

    b. what the school system will do to protect employees from exposure incidents,

including the use of universal precautions, engineering and work practice controls and, as appropriate, personal protective equipment;

c. how to deal with an exposure incident, including post-exposure evaluation and follow-up;

d. who should be vaccinated for Hepatitis B; and

e. communication, training and record-keeping procedures.

2. All elements of the Exposure Control Plan must be met.

3. All employees must have access to a copy of the Bloodborne Pathogens Policy and Exposure Control Plan.

4. The Exposure Control Plan must be reviewed and updated at least annually.

D. TESTING

An employee who suspects that he or she has been exposed to blood or bodily fluid on the job may request to be tested, at the school system's expense, provided that the suspected exposure poses a significant risk of transmission as defined in the rules of the Commission for Public Health. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission must be conducted in accordance with 10A N.C.A.C. 41A .0202 (4) (HIV) and 41A .0203(b)(4) (HBV). The school system shall strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

E. NONDISCRIMINATION POLICY

The school system shall not discriminate against any applicant or employee who has or is suspected of having a communicable disease, including tuberculosis, HBV, HIV infection or Acquired Immune Deficiency Syndrome (AIDS). An employee may continue to work as long as the employee is able to satisfactorily perform the essential functions of the job and there is no medical evidence indicating that the employee's condition poses a significant, direct threat to co-workers, students or the public.

Legal References: 29 C.F.R. 1910.1030; G.S. 95 art. 16; 13 N.C.A.C. 7F .0207; 10A N.C.A.C. 41A .0202(4), 41A .0203(b)(4)

Cross References: Communicable Diseases – Employees (policy 7262)

Adopted: November 15, 2010

Reviewed: December 13, 2021

It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and the need to control the spread of serious communicable diseases and conditions, the superintendent shall make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her supervisor so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in 10A N.C.A.C. 41A .0101. This policy must be shared with school employees annually and with new employees as part of any initial orientation.

A. COMMUNICABLE DISEASE DEFINED

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

B. SAFETY CONTROL MEASURES

1. Handling Bodily Fluids

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, must be distributed by the human resources office and followed by all school system employees. Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Faculty should not allow students to be involved in the handling, disposal and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services.

Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the director of the personnel office any failure by a staff member or a student to follow the universal precautions, including their own.

2. Reporting Communicable Diseases

In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other employees as necessary to prepare and file a report. All information must be kept strictly confidential.

3. Following Health Control Measures for Communicable Diseases

Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director and take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is not following safe practices, including the universal precautions, must report this failure to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

4. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

C. EMPLOYMENT STATUS OF EMPLOYEE

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition, or

b. believes that he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.

The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

2. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee to the extent necessary to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent shall determine:

a. to what degree the employee's presence in his or her current job exposes students or other employees to possible transmission of the disease; and/or

b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel must be kept confidential and separate from other personnel file

information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 29 C.F.R. 1630; G.S. 130A, art. 6; 10A N.C.A.C. 41A .0101 *et seq.*

Cross References: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted: November 15, 2010

Reviewed: December 13, 2021

OCCUPATIONAL EXPOSURE TO HAZARDOUS CHEMICALS IN SCIENCE LABORATORIES

Policy Code: **7265**

It is the policy of the board to comply with federal regulations and state statutes regarding hazardous chemicals as set forth in the Federal Register, 29 C.F.R. 1910.1450, and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0101, by attempting to limit occupational exposure of employees to hazardous chemicals or other potentially hazardous materials that could cause injury or death.

A. UNIVERSAL PRECAUTIONS

Universal precautions must be used at all times. Because few laboratory chemicals are without hazards, the school system shall establish general precautions for handling all laboratory chemicals. Additional precautions consistent with state and federal standards shall be established for the handling of known hazardous chemicals and unknown substances. The program standards for the control of hazardous chemicals as outlined in the Occupational Safety and Health Act (OSHA) rule, "Occupational Exposure to Hazardous Chemicals in Laboratories" (Standard 1910.1450), and the North Carolina Administrative Code and/or the most current standards available must be followed.

B. SCHOOL SYSTEM REQUIREMENTS

The superintendent shall ensure that:

1. a Chemical Hygiene Plan is developed in accordance with OSHA-issued regulations or the most current available federal and/or state standards issued and that all elements of the Chemical Hygiene Plan are met, including, but not limited to, standard operating procedures for handling hazardous chemicals, such as the use of personal protective equipment and hygiene practices; control measures to reduce employee exposure to hazardous chemicals; standards for laboratory protective equipment; identification of laboratory procedures and activities requiring prior approval; proper employee training; and the assignment of a Chemical Hygiene Officer;

2. bulk elemental mercury, chemical mercury compounds, and bulk mercury compounds are not used as teaching aids in science classrooms;

3. labels on incoming containers of hazardous chemicals are not removed or defaced, all safety data sheets received with incoming shipments are maintained and readily accessible to employees, and a current inventory of chemicals is in use and maintained;

4. all employees are trained and apprised of the hazards of chemicals present in their work area and understand how to report unsafe conditions and how to perform proper cleanup;

5. all employees have access to a copy of the Hazardous Chemicals Policy and Chemical Hygiene Plan;

6. science laboratories comply with the OSHA Right-to-Know legislation, bloodborne pathogens regulations (see policy 7260, Occupational Exposure to Bloodborne Pathogens), laboratory standards as provided by the Chemical Hygiene Plan, and other safety rules and guidelines of the profession;

7. records are established and maintained of any measurements taken to monitor employee exposures and any medical consultations or examinations required;

8. the Chemical Hygiene Plan is reviewed annually by a committee appointed by the superintendent and updated as necessary;

9. this policy is reviewed annually and, as needed, updated annually; and

10. a copy of the Chemical Hygiene Plan is submitted to the State Board of Education by January 31 of each school year.

C. TESTING

Whenever an event, such as a spill, leak, explosion, or other occurrence resulting in the likelihood of a hazardous exposure, takes place in the work area, the employee exposed to the hazard may receive a medical examination at the school system's expense.

Legal References: 29 C.F.R. 1910.1450; G.S. 115C-47(49); 13 N.C.A.C. 7F .0101; State Board of Education Policy SCOS-017

Cross References: Occupational Exposure to Bloodborne Pathogens (policy 7260)

Other Resources: *Safe, Orderly and Caring Schools Assessment Inventory*, Safety Provisions – Science Education (North Carolina Department of Public Instruction, Division of School Improvement)

Adopted: November 20, 2017

Revised: December 13, 2021

EMERGENCY EPINEPHRINE AUTO-INJECTOR DEVICES

Policy Code: **5024/6127/7266**

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal anaphylactic reaction. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific prescription. Student-specific orders for epinephrine auto-injector devices are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine auto-injector devices are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine auto-injector devices. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine auto-injector devices that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine auto-injector devices provided by the school are intended for unforeseen emergencies. Students known to have medical conditions requiring the availability of an epinephrine auto-injector device are expected to provide such devices for their use at school. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted: May 18, 2015

Reviewed: August 16, 2021

AUTOMATED EXTERNAL DEFIBRILLATOR *Policy Code:* **5028/6130/7267**

The board is committed to providing a healthy and safe environment for its students, employees, and visitors. To provide opportunities for assistance to individuals who experience sudden cardiac arrest on school property, the board authorizes the placement of automatic external defibrillators (AEDs) in designated locations in schools and other board-owned or operated facilities and at designated events to be accessed by medical practitioners and other trained persons.

To the extent funding, staff, and training are available, the superintendent is authorized to acquire AEDs for use at designated schools and events. The superintendent is further authorized to develop a program to address access to and training, use, and maintenance of AEDs in the school system. All such AEDs and any program developed must comply with the requirements of state and federal law.

The superintendent, in consultation with medical professionals trained in cardiopulmonary resuscitation (CPR) and AED use, shall develop procedures to implement this policy. Procedures must include information regarding:

1. Medical/healthcare provider oversight: Choice of AED devices will be made in consultation with a physician licensed by the state of North Carolina. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.

2. CPR and AED use training for anticipated responders: Training will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Appropriate records of training will be maintained.

3. Coordination with the emergency medical services (EMS) system: Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.

4. Appropriate device maintenance and testing.

5. Placement of AEDs.

The superintendent or designee shall report to the board on the plan for and actual use of AEDs in the school system. The superintendent shall designate a program coordinator to manage the AED program in the schools.

Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. The board cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

The board and its employees expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in North Carolina General Statutes 90-21.14, 90-21.15 and 115C-375.1 and federal statute 42 U.S.C. 238q.

Legal References: G.S. 90-21.14, -21.15; 115C-375.1; 42 U.S.C. 238q

Cross References: Student Health Services (policy 6120)

Other References: *N.C. Emergency Guidelines for Schools*, (NCDHHS 2009), available at http://www.nchealthyschools.org/resources/; *Implementing an AED Program*, (American Heart Association 2012), available at http://www.heart.org/idc/groups/heart-public/@wcm/@ecc/documents/downloadable/ucm_438703.pdf

Adopted: June 14, 2016

Revised: August 16, 2021

Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during, and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The board recognizes its duty to provide each of its employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm.

The superintendent and each principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. As required by law, the principal must inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately. The principal or supervisor must notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

Training must be provided annually for all school system stakeholders (including staff, students, parents, coaches, volunteers, and community members) on how to recognize, and how and when to report, threats to the school population or community.

4. Safety Equipment

School employees shall provide students and visitors with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Center for Safer Schools for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

School officials shall investigate and act upon any report of such behavior, including, when appropriate, referring reports to the school threat assessment team and reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 1735/4329/7311, Bullying and Harassing Behavior Prohibited, 4040/7310, Staff-Student Relations, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

E. THREAT ASSESSMENT TEAMS

In accordance with G.S. 115C-105.65, the superintendent shall establish a multidisciplinary threat assessment team for each school within the school system to identify, assess, and manage behavior of students or others who may pose a risk of violence or harm to self or others. The threat assessment teams will include, but are not limited to, individuals with expertise in counseling, instruction, school administration,

and law enforcement. When practicable, at least one school psychologist, one staff member knowledgeable about and experienced in working with students with special needs, and one staff member knowledgeable about and experienced in working with students with disabilities will be assigned to each threat assessment team. If a school psychologist is not available, a licensed mental health professional may be assigned instead. A member of each threat assessment team will operate as team leader with the responsibility to ensure adherence to the threat assessment process, ensure proper documentation of reports of threats and threat assessment activities, and facilitate collaborative team discussions to ensure various perspectives are considered.

The superintendent shall designate a school system administrator to oversee the school system's threat assessment program and to serve as liaison between the school system and the North Carolina Center for Safer Schools (CSS). The superintendent or designee shall also establish a committee composed of individuals with expertise in human resources, education, school administration, mental health, and law enforcement that will coordinate and monitor the threat assessment teams operating within the school system.

1. Training

   All team members will receive behavioral threat assessment and management training annually prior to the start of the school year. Individuals who join the team in the middle of the school year must receive training within 60 calendar days of joining the team.

2. Assessment and Intervention

   Unless the superintendent establishes a different classification system in the threat assessment protocols developed pursuant to subsection E.4 of this policy, threat assessment teams will use the levels of concern table listed in the behavioral threat assessment and management guidance issued by CSS in assessing the level of threat posed and forming a response to threats.

   Upon determining that a student poses a threat, the threat assessment team will develop a written student support, intervention, and monitoring management plan that establishes interventions and specifies required monitoring times of the student based on the level of concern the student presents. To effectively manage and mitigate potential risk, interventions must focus on building resilience and protective factors for the student while also addressing safety concerns.

3. Information Sharing

   Parents of a student or minor will be notified as soon as practicable that a threat assessment will be or is being conducted on their child. The threat assessment team will contact the parents and provide them the opportunity to participate in the threat assessment. The team is not required to extend the invitation to participate if the student or minor discloses abuse or neglect from the parent.

Once a threat assessment is completed, the team will provide its findings and conclusions to the parents, including any interventions the team is recommending be put in place for the well-being of their child and the school community and any school system or community resources that may be useful for the parents in seeking help for their child.

When the threat assessment team learns that an individual has threatened specific harm to an identifiable potential victim, the team will provide notice of the threat to the potential victim and, if the potential victim is a student or minor, provide notice to the parents.

Any information sharing by, with, or between members of the threat assessment teams will be done in accordance with the federal Family Educational Rights and Privacy Act (FERPA) and any other applicable state or federal law. (See policy 2125/7315, Confidential Information). Members of a threat assessment team who are not school system employees must sign a written agreement to adhere to the responsibilities and requirements of FERPA before having access to student records.

4. Threat Assessment Protocols

In consultation with CSS guidance and with established threat assessment teams within the school system, the superintendent shall develop, implement, and update threat assessment protocols and procedures that comply with the requirements of G.S. 115C-105.65. At a minimum, these protocols and procedures will delineate the roles and duties to be performed by designated threat assessment team members, the expertise and training of professionals who will serve on threat assessment teams, the steps to be followed in the threat assessment process, including the implementation of interventions, supports, and community services, the timeframe required to responsibly act upon reported concerns, and the engagement of school resource officers and/or law enforcement in the threat assessment process, and the process of documenting reports of threats and threat assessment activities. The protocols and procedures will differentiate between assessment and intervention at the elementary, middle, and high school levels, as appropriate.

The superintendent or designee shall send a copy of this policy and the threat assessment protocols and procedures to CSS when approved or revised. In addition, the superintendent shall ensure that quantitative data on the activities of all threat assessment teams is reported to CSS as required by G.S. 115C-105.65(h) and CSS guidance.

Legal References: 29 C.F.R. part 1904; G.S. 14-208.18; 95-129(1); 115C-36, -47, -105.49, -105.51, -105.53, -105.54, -105.65, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; 13 N.C.A.C. 7A .0301; 16 N.C.A.C. 6E .0107; State Board of Education Policy SCFC-005

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Confidential Information (policy 2125/7315), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education, Office of Safe and Drug-Free Schools (January 2007), available at https://www.ed.gov/sites/ed/files/admins/lead/safety/emergencyplan/crisisplanning.pdf; *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)

Adopted: November 20, 2017

Revised: December 14, 2018; February 15, 2021; March 20, 2023; August 19, 2024; August 4, 2025; July 20, 2026

The board directs the superintendent to implement a system-wide loss prevention/safety program with the goal of maintaining a safe working environment for employees and a safe learning environment for students. The program must be consistent with the requirements for school safety established in policy 1510/4200/7270, School Safety, and with applicable state and federal rules related to workplace safety and other safety issues in the school environment.

The superintendent shall establish a system-wide health and safety leadership team to oversee the school system's injury and loss prevention efforts. These efforts will include (1) accident and injury prevention and investigation; (2) hazard investigation and control; and (3) promotion of safe practices and safety awareness in the school environment. The team shall be responsible for developing processes for accident investigation and for the identification, reporting, and correction of hazards and other unsafe conditions within the school environment, as described below. The superintendent or designee shall lead the health and safety leadership team in carrying out its responsibilities.

A. ACCIDENT INVESTIGATION AND CORRECTION OF HAZARDS

The health and safety leadership team shall develop an accident investigation protocol, or improve existing protocols, for investigating all employee work-related injuries. The protocol may also address investigation of accidental injuries to students or visitors, as well as incidents of violence in the school environment.

The accident investigation protocol must include steps to identify in a timely manner the cause(s) of the accident and any underlying factors that may have contributed to it. It must also require the identification and implementation of actions to address unsafe conditions to prevent recurrence of the incident. Investigation steps may include, but are not limited to, interviews of the injured employee(s) and witnesses, examination of physical evidence, examination of the workplace, and data collection.

The protocol must provide for recording the findings of cause, recommendations for correction, and actions taken.

The health and safety leadership team shall develop additional protocols, or improve existing protocols, as necessary to investigate reports of hazards and other unsafe conditions within the school environment.

B. PREVENTATIVE MEASURES: IDENTIFICATION, EVALUATION, AND CONTROL OF HAZARDS

The health and safety leadership team shall establish or improve processes and strategies for the identification, investigation, and control of hazards and other unsafe conditions in the school environment, including those arising from safety hazards (e.g., slippery floors, cluttered work areas, overloaded electrical outlets); chemical and biological hazards (e.g.,

solvents, pesticides, lab chemicals, bloodborne pathogens); other health hazards (e.g., allergens and other indoor air pollution, noise), and ergonomic risk factors (e.g., repetition, use of excessive force, awkward posture).

The processes for identification, investigation, and control may include periodic worksite inspections to identify potential or actual safety hazards; job task safety analysis; employee safety surveys; analysis of ergonomic risk factors; review of injury data, accident reports, and workers' compensation records; hazard control analysis; and/or other standard means of hazard identification and control that are consistent with the goal of improving safety in the school environment. The superintendent or designee may appoint site-based safety teams to conduct these activities at each school system site that houses employees. If site-based teams are utilized, they shall report to the health and safety leadership team on a schedule to be established by the superintendent or designee.

C. CORRECTION OF IDENTIFIED HAZARDS

The processes and strategies for improving safety in the school environment required by this policy must include a system for correcting identified hazards and must require the immediate removal of employees from an area where there is an imminent danger that cannot be immediately corrected (e.g., a chemical spill).

The system for correcting hazards must give priority to solutions that actually remove the hazard. If the hazard cannot be removed altogether, procedures that limit exposure to the hazard should be implemented when practicable. In addition, personal protective equipment may be provided to protect the individual(s) from direct exposure to a hazard that cannot be eliminated. A combination of these methods should be used if needed to address the hazardous condition.

D. REPORTING HAZARDS OR OTHER UNSAFE CONDITIONS

The health and safety leadership team shall establish or improve processes for employees and others to report hazards and other unsafe conditions to supervisory or administrative personnel without fear of reprisal.

E. DEVELOPMENT OF SAFE WORK PRACTICES

The health and safety leadership team shall assist the superintendent or designee in the development of safety standards for facilities, equipment, machinery, tools, and work practices. The standards must be consistent with all applicable federal and state standards.

F. SAFETY EDUCATION AND TRAINING

The health and safety leadership team shall coordinate a system-wide safety education program to educate individuals in the school environment on safety practices. The program of education and training must be documented and must include instruction on

workplace-related safety practices, relevant job- or activity-specific safety practices, and site-specific safety and emergency procedures. It must also include instruction on measures for reporting any unsafe conditions, work practices, or injuries.

G. RECORDKEEPING

The health and safety leadership team shall establish uniform processes for recordkeeping that comply with the requirements of federal and state law.

H. EMPLOYEE RESPONSIBILITY FOR SAFETY

All employees are expected to follow safe work practices, use appropriate personal protective equipment as instructed by their supervisors, and attend safety education programs as assigned. Employees must report unsafe conditions or work practices, accidents, or injuries as soon as practicable, in accordance with established procedures.

Legal References: 29 C.F.R. Part 1910; 13 N.C.A.C. 07F.0101; State Board of Education Policy INSR-003

Cross References: School Safety (policy 1510/4200/7270), Hazardous Materials (policy 6540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265)

Adopted: November 20, 2017

Reviewed: June 21, 2021

SERVICE ANIMAL

POLICY CODE: 4202/5029/7272

The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property subject to the requirements of this policy. If necessary, the superintendent may establish administrative regulations for the use of service animals on school property.

A. DEFINITION OF "SERVICE ANIMAL"

A "service animal" for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship, or therapeutic benefits, or to act as a crime deterrent, are not service animals for the purposes of this policy.

B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES

1. Introduction of a Service Animal

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

a. The employee, student, or student's parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.

b. The employee, student, or student's parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:

1. appropriate training for school personnel and students regarding interaction with the service animal;

2. arrangements for meeting the service animal's basic needs during the school day;

3. any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and

4. when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.

c. It is recommended, but not required, that the service animal wear identification to provide adequate notice to students, school personnel, and school visitors that the dog is a service animal.

d. The service animal should be free of parasites and otherwise in good health.

2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.

b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.

c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.

d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law.

The principal or designee shall notify all security personnel of the existence and possible locations of any service animals on school property.

C. **USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

D. **LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both, may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

E. **EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.

2. The animal is out of control and the animal's handler does not take effective action to control it.

3. The animal is not housebroken.

4. The presence or behavior of the animal fundamentally alters the service, program, or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY

The superintendent's decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

Cross References: Discrimination, Harassment, and Bullying Compliant Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), School Volunteers (policy 5015), Visitors to the Schools (policy 5020)

Adopted: September 19, 2011
Reviewed: June 21, 2021

ANIMALS IN SCHOOLS

Policy Code: **4203/7273**

The Stokes County Board of Education must ensure the health and safety of students and school personnel who may come in contact with animals during school activities. The Board recognizes that there are varied and substantial benefits to having animals in the school setting as part of school programs or activities as long as they are properly managed.

The Stokes County Board of Education will follow the Guidelines for Animals in North Carolina Schools as developed by the North Carolina Division of Public Health. Health Certificates shall be issued within the last 90-day period and documentation of handler training or a letter from a licensed veterinarian attesting to a lack of history of aggressive behavior is required before the animal may be included in a school activity.

Before allowing any animal on school property for instructional or ceremonial purposes, the principal shall investigate any potential health and/or safety issues which may be caused by the presence of the animal. Parental notification is required prior to the presentation of an animal for instructional or ceremonial purposes.

Students, staff, and the general public are prohibited from bringing an animal onto school property, including at public events held on school property. This prohibition includes, but is not limited to, athletic or other extracurricular events. The exceptions to this policy are service animals as authorized and educational or ceremonial activities or programs approved by the Board of Education.

Cross References: School Safety (Policy 1510/4200/7270; Service Animals in Schools (4202/5029/7272.

Adopted: June 19, 2023

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Except as otherwise specified in this policy, employees, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed. This policy does not apply to students. Student conduct related to weapons and explosives is governed by policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer, as appropriate.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

2. a person who has a concealed handgun permit that is valid under state law or who is exempted by state law from needing a permit to carry a concealed handgun, if any of the following conditions are met:

    a. the person has a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);

    b. the person has a handgun concealed on the person and the person remains in a locked vehicle (the person may unlock the vehicle to allow another person to enter or exit); or

    c. the person is within a locked vehicle and removes the handgun from concealment only for the amount of time reasonably necessary to move it to a closed compartment or container within the vehicle or to move it from the closed compartment or container to concealment on the person.

3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties;

4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or

5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333)

Adopted: February 6, 2017

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with policy 1750/7220, Grievance Procedure for Employees, unless a policy with a more specific reporting or complaint procedure applies. Any complaint alleging a violation by the superintendent or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents wrongdoing of the sort described in this policy. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged wrongdoing to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged wrongdoing. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

Each employee will receive a copy of this policy and will sign a statement verifying his or her receipt and understanding of this policy.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 115C-335.5; 126-5(c5), -84, -85, -86, -87, -88

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Employees (policy 1750/7220), Code of Ethics for School Board

Members (policy 2120), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Staff Responsibilities (policy 7300), Employee Conflict of Interest (policy 7730)

Adopted: August 1, 2016

Revised: February 15, 2021; August 19, 2024

For students to succeed, all school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules, and applicable laws;

2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;

3. demonstrate integrity, respect, and commitment to the truth through attitudes, behavior, and communications with others;

4. address or appropriately direct any complaints concerning school employees, the school program, or school operations;

5. support and encourage good school-community relations in all interactions with students, parents, and members of the community; and

6. support parents in effectively participating in their child's education and never encourage or coerce a child to withhold information from a parent.

Employees shall notify the Director of Human Resources if they are arrested for, charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking, or a lesser violation). Notice must be in writing, must include all pertinent facts, and must be delivered to the assistant superintendent for human resources no later than the next scheduled business day following the arrest, charge, or conviction, unless the employee is hospitalized or incarcerated, in which case the employee must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the employee must report the disposition and pertinent facts in writing to the assistant superintendent for human resources no later than the next business day following adjudication.

In addition, all driver education instructors must immediately report to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state. The board will notify the Department of Public Instruction when an instructor loses his or her privilege to drive in North Carolina or any other state. The superintendent or designee shall conduct annual checks of the driving records of all driver education instructors.

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to, and including, dismissal.

Legal References: G.S. 114A-20; 115C-47, -307, -308; State Board of Education Policies DRIV-003, DRIV-004

Cross References:

Adopted: November 15, 2010

Revised: December 14, 2018; December 13, 2021; December 18, 2023

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms "staff" and "employees" include independent contractors, school safety officers, and volunteers, but do not include student employees or student volunteers.

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.

2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

    a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur and when they will occur;

    b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;

    c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

    d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

    Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

    a. the content, frequency, subject, and timing of the communication(s);

b. whether the communication(s) was appropriate to the student's age and maturity level;

c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;

d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;

e. whether the communication(s) created a disruption of the educational environment; and

f. whether the communication(s) harmed the student in any manner.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;

b. that another employee has engaged in other behavior prohibited by this policy; or

c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this subsection may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 4335, Criminal Behavior.

4. Report to the State Board of Education

In accordance with Section F of policy 7130, Licensure, administrators shall report to the State Board of Education certain misconduct by licensed employees involving a student and resulting in termination of employment, nonrenewal of an employment contract, suspension without pay, disciplinary action, or resignation.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse and Related Threats to Child Safety, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18), -270.35(b), -326.20; 16 N.C.A.C. 6C .0601, .0602, .0604, .0605, .0608; State Board of Education Policies EVAL-014, EVAL-035, LICN-007

Cross References: Governing Principle – Removal of Barriers (policy 1700), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Bullying and Harassing Behavior Prohibited (policy 1735/4329/7311), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Licensure (policy 7130), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted: June 17, 2019

Revised: January 3, 2010; August 6, 2010; November 23, 2015; February 6, 2017; November 20, 2017; September 2019; June 21. 2021; April 2, 2024; August 4, 2025

BULLYING AND HARASSING BEHAVIOR PROHIBITED

Policy Code: **1735/4329/7311**

The board is committed to providing a safe, inviting, and civil educational environment for all students, employees, and other members of the school community. The board expects all students, employees, volunteers, and visitors to behave in a manner consistent with that goal. The board recognizes that bullying and harassing behavior creates an atmosphere of intimidation and fear, detracts from the safe environment necessary for student learning, and may lead to more serious misconduct or to violence. Accordingly, the board prohibits all forms of bullying and harassing behavior, including encouragement of such behavior, by students, employees, volunteers, and visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

This policy prohibits bullying and harassing behavior, or the encouragement of bullying or harassing behavior, that takes place (1) in any school building or on any school premises before, during or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) through the use of school system technological resources; (6) at any time or place when the student, employee, or other person is subject to the authority of school personnel; or (7) at any time or place when the bullying has a direct and immediate effect on maintaining order and discipline in the schools.

This policy is not intended to prohibit expression of religious, philosophical, social, or political views, provided that the expression does not substantially disrupt the educational environment.

A. RELATIONSHIP TO OTHER POLICIES

This policy applies to bullying and harassing behavior that is not otherwise prohibited by the following board policies that address discriminatory harassment in violation of federal law:

- Discrimination and Harassment Prohibited by Federal Law, policy 1710/4020/7230 (prohibiting harassment based on federally protected characteristics, such as race, color, national origin, sex, disability, age (40 or older), religion, military affiliation, or genetic information)

- Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, policy 1725/4035/7236 (prohibiting sexual harassment)

Individuals who wish to report bullying or harassing behavior that is based on sex, race, color, national origin, disability, religion, or other personal characteristic addressed by the policies above should refer to and follow the reporting processes provided in those policies.

Conduct that may constitute discriminatory harassment under federal law must be addressed first in accordance with the requirements of the applicable policy(ies) listed above. If subsequently, the conduct is determined not to rise to the level of discriminatory harassment prohibited by those policies, the conduct may be addressed under this policy. Conduct that does not rise to the level of bullying or harassing behavior as defined and prohibited in this policy may nevertheless violate other board policies or school rules.

B. CONDUCT THAT IS CONSIDERED BULLYING OR HARASSING BEHAVIOR

1. Bullying is deliberate conduct intended to harm another person or group of persons. It is characterized by repeated unwanted aggressive behavior that typically involves a real or perceived imbalance of power, such as a difference in physical size, strength, social standing, intellectual ability, or authority. It may consist of either physical, verbal, or nonverbal behavior. Cyberbullying is a form of bullying that is carried out using electronic communication media, such as words, action, or conduct conveyed through email, instant messages, text messages, tweets, blogs, photo or video sharing, chat rooms, or websites, and may exist in the absence of a power imbalance typical of other forms of bullying.

2. Harassing behavior is conduct that is intimidating, hostile, or abusive, or is unwelcome conduct of a sexual nature. Harassing behavior may violate this policy even if no harm is intended to the target and no power imbalance is evident.

3. Bullying or harassing behavior includes conduct that is, or reasonably appears to be, motivated by actual or perceived differentiating personal characteristics, or by a person's association with someone who has or is perceived to have a differentiating personal characteristic. Differentiating personal characteristics include, but are not limited to race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Bullying and harassing behavior can violate this policy regardless of a student's motivation.

4. Examples of behavior that may constitute bullying or harassing behavior are repeated acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory or lewd comments, spreading rumors, extortion of money or possessions, implied or stated threats, assault, offensive touching, physical interference with normal work or movement, visual insults, such as derogatory posters or cartoons, and sharing intimate photos or video of a person or sharing photos or videos that may subject a person to ridicule or insult.

5. Other behaviors that may constitute bullying or harassing behavior under this policy are deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, pressure for sexual activity, offensive sexual flirtations, advances

or propositions, verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures, or written materials.

6. These examples are not exhaustive but are intended to illustrate the wide range of behavior that may constitute bullying and harassing behavior.

7. Conduct such as the following is not considered bullying or harassing behavior: legitimate pedagogical techniques, the exercise of legitimate authority, and academic or work performance monitoring and evaluation.

C. WHEN BULLYING OR HARASSING BEHAVIOR VIOLATES THIS POLICY

Not all conduct that may be described as bullying or harassing behavior violates this policy. Bullying or harassing behavior violates this policy when any pattern of repeated gestures or written, electronic, or verbal communications, or any physical act or threatening communication:

1. places a student, an employee, or other person in actual and reasonable fear of harm to their person or property; or

2. creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits.

   "Hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The definition of bullying and harassing behavior in this section is intended to be no less inclusive than the definition of bullying and harassing behavior in G.S. 115C-407.15.

Bullying or harassing behavior based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information may also constitute discriminatory harassment in violation of federal law and other board policies as described in Section A, above.

D. REPORTING BULLYING AND HARASSING BEHAVIOR

1. Reports by Students and/or Parents and Guardians

   a. The board encourages students or parents/guardians of students who have been the victim of or who have witnessed bullying or harassing behavior in violation of this policy to immediately report such incidents to a teacher, counselor, coach, assistant principal, or the principal.

b. Reports may be made orally or in writing and may be made anonymously.

c. All reports of serious violations and complaints made under this policy will be investigated expeditiously. Anonymous reports will be investigated to the extent reasonably possible under the circumstances.

d. If, at any time, school officials determine that the alleged bullying or harassing behavior appears to be based on sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, the matter will be investigated in accordance with the applicable policy listed in Section A above.

2. Mandatory Reporting by School Employees

An employee who witnesses or who has reliable information that a student or other individual has been bullied or harassed in violation of this policy must report the incident to his or her supervisor or to the building principal immediately. If sexual harassment is suspected, the employee also must report the incident to the Title IX coordinator. An employee who does not promptly report possible bullying or harassing behavior will be subject to disciplinary action.

3. Reporting by Other Third Parties

Other members of the school community may report incidents of bullying or harassment to the school principal or the superintendent or designee.

4. Reporting False Allegations

It is a violation of board policy to knowingly report false allegations of bullying or harassing behavior. A student or employee found to knowingly report or corroborate false allegations will be subject to disciplinary action.

E. REPORTS OF BULLYING OR HARASSING BEHAVIOR BASED ON A FEDERALLY PROTECTED CHARACTERISTIC

Bullying or harassing behavior that is based on a federally protected characteristic, such as sex, race, color, national origin, disability, religion, age (40 or older), military affiliation, or genetic information, may constitute discriminatory harassment that is a violation of the individual's civil rights. A school employee who receives a report of bullying or harassing behavior that may constitute sexual harassment must immediately contact the Title IX coordinator. If the reported behavior appears to be based on any other federally protected characteristic, the employee must immediately notify the appropriate civil rights coordinator designated in policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law. Uncertainty as to whether alleged bullying or harassing behavior is based on a federally protected characteristic should be resolved

by notifying the Title IX Coordinator.

F. RESPONSE TO REPORTS OF BULLYING OR HARASSING BEHAVIOR

1. Reports of bullying and harassing behavior or the encouragement of such behavior under this policy will be investigated promptly by the principal or designee or site supervisor and addressed in accordance with this policy and policy 4340, School-Level Investigations, when appropriate. If the principal or site supervisor is the alleged perpetrator, the superintendent will designate an appropriate investigator.

2. If at any time before, during, or after the investigation under this policy, the investigator determines or suspects that the alleged bullying or harassing behavior is based on sex, race, color, national origin, disability, or religion, the investigator shall notify the appropriate civil rights coordinator and proceed in accordance with the applicable board policy as described in Section A, above. However, referral to the civil rights coordinator will not preclude appropriate disciplinary consequences for a violation of this policy if, following the designated investigation and resolution process under the appropriate board policy, the behavior is determined not to constitute discriminatory harassment in violation of federal law.

3. No reprisals or retaliation of any kind are permitted as a result of good faith reports of bullying or harassing behavior. An employee who engages in reprisal or retaliation will be subject to disciplinary action, up to and including dismissal. A student who does so is subject to disciplinary consequences as provided in Section G, below.

G. CONSEQUENCES

1. Students

   The disciplinary consequences for violations of this policy should take into consideration the frequency of incidents, the developmental age of the student involved, and the severity of the conduct and must be consistent with the Code of Student Conduct. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

   A student who is convicted under G.S. 14-458.2 of cyberbullying a school employee will be transferred to another school. If there is no other appropriate school within the school system, the student will be transferred to a different class or assigned to a teacher who was not involved as a victim of the cyberbullying. The superintendent may modify the required transfer of an individual student on a case-by-case basis and shall provide a written statement of this modification in the student's record.

2. Employees

   Employees who violate this policy will be subject to disciplinary action, up to and including dismissal.

3. Others

   Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

H. OTHER INTERVENTIONS

Interventions designed to remediate the impact of a violation of this policy and to restore a positive school climate will be provided as determined necessary by school officials.

I. NOTICE

This policy must be provided to employees, students, and parents, guardians, and caregivers at the beginning of each school year. Notice of this policy must be included in the Code of Student Conduct and in all student and employee handbooks. Principals are encouraged to post a copy or summary of this policy in each classroom and in a prominent location within the school building and to make an age-appropriate summary of the policy available to elementary students. Information about this policy must also be incorporated into employee training programs.

J. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of bullying or harassing behavior under this policy. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of any remedial interventions or other steps taken by the school system to provide an environment free of bullying.

Legal References: G.S. 14-458.2; 115C-105.51, -366.4, -407.15 through -407.18

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), School-Level Investigations (policy 4340), Visitors to the Schools (policy 5020)

Adopted: August 4, 2025

CHILD ABUSE AND RELATED THREATS TO CHILD SAFETY

Policy Code: **4240/7312**

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE). When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and DCDEE.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

The superintendent shall develop any necessary procedures for making a report or otherwise implementing this policy.

A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual conduct with or involving a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer who has 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 is legally required to report the case to DCDEE.

A "child care facility" includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child's care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE BOARD OF EDUCATION

In addition to the other reporting requirements of this policy, administrators shall report to the State Board of Education certain misconduct by licensed employees involving a child and resulting in termination of employment, nonrenewal of an employment contract, suspension without pay, disciplinary action, or resignation in accordance with Section F of policy 7130, Licensure.

E. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an

investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

F. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal

responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS

In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003, the school system will provide information on child abuse and neglect, including age-appropriate information on sexual abuse, to students in grades 6 through 12. Such information will be provided in the form of (1) a document given to all students in grades 6 through 12 at the beginning of each school year, (2) a display posted in visible, high-traffic areas throughout each secondary school, and (3) a video produced by the Center for Safer Schools shown to all students in grades 6 through 12 no more than five days after the first day of the school year.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-12(47), -47(65), -270.35(b), -326.20, -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0608; 16 N.C.A.C. 6D .0403; State Board of Education Policy SHLT-003

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700), Licensure (policy 7130)

Adopted: August 16, 2010

Revised: November 20, 2017; June 21, 2021; March 20, 2023, April 2, 2024; August 4, 2025

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. 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; 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), 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), 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); Master Data Calendar, N.C. Department of Public Instruction, available at https://www.dpi.nc.gov/data-reports/data-calendar

Adopted: August 17, 2026

CONFIDENTIAL INFORMATION

Policy Code: **2125/7315**

Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

It is a criminal violation for an employee or board member to do either of the following:

- knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or

- knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: June 21, 2010

Reviewed: March 15, 2021

NORTH CAROLINA
ADDRESS CONFIDENTIALITY PROGRAM

Policy Code: **4250/5075/7316**

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students, or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking, or human trafficking to prevent a victim's assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant's actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General's Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address. Students, parents, or school personnel enrolled in the Address Confidentiality Program must provide a valid authorization card if they wish to keep their home address confidential.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address, and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system, and will be redacted from any record released pursuant to G.S. 115C-320, provided the employee has provided a valid authorization card to the superintendent or designee. (See policies 5070/7350, Public Records – Retention, Release, and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public, provided the student or parent has provided a valid authorization card to the principal. Student records will reflect only the substitute address and not the student's actual address. The student's telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student's name be withheld from any release of

directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program to ensure confidentiality of the student's new location.

D. DISCLOSURE PROHIBITED

The knowing and intentional disclosure of a program participant's actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: August 16, 2010

Revised: May 15, 2014; November 20, 2017

Reviewed: June 21, 2021

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal, and responsible use. Accordingly, the board establishes this policy to govern student and employee use of any technological resources owned, leased, maintained, or otherwise controlled by the school system. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools, and learning environments made available by or on the networks, and all devices that connect to those networks.

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices, accesses the school's electronic storage or network, or connects to the Internet using school system-provided access must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

1. School system technological resources are provided for school-related purposes

only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited.

Student personal use of school system technological resources for amusement or entertainment is prohibited unless approved for special situations by the teacher or school administrator. In addition, student access to social media platforms is prohibited, except when expressly directed by a teacher solely for educational purposes.

Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

The superintendent or designee will provide guidelines to ensure that any Wi-Fi hotspots used off school system property were not purchased using E-Rate funds.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

4. Users must follow any software, application, or subscription services terms and conditions of use.

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.

6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others.

    a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

    b. School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

    c. Users may not forward or post personal communications without the author's prior consent.

    d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such recordings or pictures in any way, without the consent of the other students and/or employees and the principal or designee. An exception will be made for recordings at events that are open to the public, such as athletic competitions, band and choral concerts, assemblies, presentations, and award ceremonies. If recording at a public event is restricted for any reason, including due to copyright issues (e.g., a school play), students, employees, and all other members of the audience will be notified of the recording restrictions before the event begins.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.

11. Users may not create or introduce games, network communications programs, or any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, accounts, data, or information.

13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, students must have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

17. It is the user's responsibility to back up data and other important files.

18. Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.

19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

Exceptions to these rules may be made for employees whose activities are necessary to carry out their job responsibilities and are authorized by law.

C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students

may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise age-inappropriate or harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose as well as websites, web applications, or software that do not protect against the disclosure, use, or dissemination of a student's personal information. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet.

D. PRIVACY

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220, Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

F. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

1. Students

   Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. USE AGREEMENTS

All students, parents, and employees will be informed annually of the information in this policy and in any applicable generative artificial intelligence (AI) guidelines developed in

accordance with policy 3220, Technology in the Educational Program. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and the generative AI guidelines and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system and must sign a copy of the generative AI guidelines.

H. CONSEQUENCES

Based on the nature and severity of the offense and the circumstances surrounding the incident, violations of this policy will result in appropriate remedial actions or discipline up to and including long-term suspension for students and dismissal for employees and may result in revocation of user privileges. Willful misuse may also result in criminal prosecution under applicable state and federal law.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5), 47 C.F.R. 54.516; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-47(70), -102.10, -325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 143-805

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Other Resources: North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools, available at https://go.ncdpi.gov/AI_Guidelines

Adopted: February 6, 2017

Revised: May 17, 2021; August 4, 2025; July 20, 2026

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Consistent with policy 3225/4312/7320, Technology Responsible Use, and in an effort to further the school system's objectives, the board of education encourages the use of the Internet as a means of providing accessible, accurate, and timely information for employees, students, parents, and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information online. The school system has established its system website online at www.Stokes.k12,nc.us. The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

A. SYSTEM-RELATED WEBSITE

A "system-related website" is any Internet website that is established in one of the following ways:

1. by school system employees or students on behalf of the system;

2. by any school within the system;

3. by any school-sponsored club or organization within the system; or

4. by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students, or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

B. STANDARDS FOR WEB PAGE DEVELOPMENT

1. Non-Public or Closed Forums for Expression

All system-related websites are "non-public" or "closed" forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers, or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the system, its schools, and its programs; and to provide the community with each school or department's mission, contact information, activities, organizational format, and instructional program. System-related websites are analogous to

newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing, or approving a system-related website shall act legally, responsibly, and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy, and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor of the system website.

c. Individual School Websites

Each school will be provided with a web address, web design software, and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students' authorized websites, subject to review by the principal, the superintendent, and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create a website within or linked from a school's or teacher's website only for the

following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups, or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see policy 7335, Employee Use of Social Media, and policy 3225/4312/7320, Technology Responsible Use.)

The superintendent may use any means available to request the removal of personal websites or web pages that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

3. Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof, and evaluate all system-related websites.

4. Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. Links

a. Internal Links

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Responsible Use.

b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school's web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

> *The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents, or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links.*

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Responsible Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

7. Accessibility of Website

The web manager/editor, in consultation with the technology director, shall ensure that the school system website meets required standards to ensure accessibility for persons with disabilities.

C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.

2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:

   a. home addresses or telephone numbers will not be listed;

   b. student e-mail addresses will not be listed;

   c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only the student's first name, with no other information about the student.

   The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

3. To protect a student's rights in his or her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating the terms of redistribution or reuse.

4. Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels, and address, the principal's name, and the e-mail addresses of the school administrative team.

5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.

6. Schools must keep information presented on their school's web page current, accurate, and grammatically correct.

7. The principal or designee must approve all revisions and additions to the school website.

8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq*.; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers)

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Personnel Files (policy 7820)

Adopted: June 21, 2010

Revised: February 18, 2013; May 5, 2014; May 17, 2021

USE OF PERSONAL TECHNOLOGY TO CONDUCT SCHOOL BUSINESS

Policy Code: **3228/7323**

The board recognizes that employees may use a variety of personal technology devices and accounts in their personal lives. At times, it may be convenient for employees to use their personal technology devices and accounts to conduct school business. Although such use of personal technology devices and accounts may be convenient, it is likely to produce a conflict between employees' interests and the school's obligations: employees ordinarily expect privacy in their personal technology devices and accounts, but the school is legally obligated to preserve certain school business-related electronically stored information ("ESI").

School business-related ESI (including text messages and e-mails) sent and/or received by an employee using a personal technology device or account may constitute public records or student education records, and as a result may require retention and disclosure by the school system. In the event of litigation, school business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold.

A. LIMITATIONS ON USE

Unless otherwise authorized by a BYOT (Bring Your Own Technology) initiative, employees are expected to use school-controlled technology devices and accounts for conducting school business and storing school business-related ESI when such devices and accounts are readily available. Any use of personal technology devices and accounts is subject to this policy and all other relevant board policies, including but not limited to policy 3225/4312/7320, Technology Responsible Use, and policy 7335, Employee Use of Social Media.

1. Personal Technology Devices

   For purposes of this policy, "personal technology device" means a technology device that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, computers, phones, tablets, and other technological devices that are owned or leased by an employee.

   Use of personal technology devices to conduct school business or to store school business-related ESI is authorized only when (1) done in accordance with an official BYOT program; (2) the use is occasional and incidental to the regular use of school-controlled technology devices; or (3) the superintendent or designee has pre-approved in writing the employee's regular use of personal technology for conducting school business and/or storing school business-related ESI.

   For purposes of this policy, "personal external storage device" means a device that has a primary purpose of storing data, is not under the control of the school system, and which the school system does not have the ability to access without

the employee's assistance. Personal external storage devices constitute personal technology devices for purposes of this policy, but are subject to the following additional limitation: employees are prohibited from storing school business-related ESI on personal external storage devices, including, but not limited to, external hard drives, USB flash drives, flash memory cards, DVDs, compact discs, or magnetic tape, unless specifically authorized to do so by the superintendent or designee in writing.

2. Personal Accounts

For purposes of this policy, "personal account" means an account that is not under the control of the school system and which the school system does not have the ability to access without the employee's assistance. This definition includes, but is not limited to, personal email accounts, social media sites, and online file storage services (e.g., file hosting services, cloud storage services, or online file storage providers that host user files via the Internet).

Employees are prohibited from using personal accounts to conduct school business or to store school business-related ESI unless specifically authorized to do so by the superintendent or designee in writing.

B. SCHOOL SYSTEM ACCESS TO SCHOOL BUSINESS-RELATED ESI ON EMPLOYEES' PERSONAL TECHNOLOGY DEVICES AND ACCOUNTS

Any school business-related ESI stored on an employee's personal technology devices or accounts is property of the school system. Employees shall transfer to an appropriate custodian all school business-related ESI upon request of the superintendent or designee and upon leaving employment. Employees shall cooperate with school officials in accessing any school business-related ESI stored on personal technology devices or accounts.

Employees are cautioned that using personal technology devices or accounts to conduct school business or to store school business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. If an employee uses a personal technology device or account to conduct school business or to store school business-related ESI, an inspection of the employee's device or account may be necessary to ensure that all public records and education records are preserved.

By using personal technology devices or accounts to conduct school business or to store school business-related ESI, employees are deemed to consent to the school system accessing and inspecting such devices or accounts to gather school business-related ESI and ensure that all public records and education records are preserved. If school officials have a reasonable basis to conclude that school business-related ESI is stored on an employee's personal technology device or account, a reasonable inspection of the employee's device or account may be performed in order to retain any public records or education records required to be retained by law and/or board policy. Such an inspection

shall be made only after consultation with the board attorney.

C. REQUIRED NOTICES AND CONSENT

All employees must be informed annually of the terms of this policy and the methods by which they may obtain a copy of this policy. Employees must sign a statement indicating that they understand and will comply with the requirements of this policy.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*; Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351), Employee Use of Social Media (policy 7335)

Adopted: May 17, 2021

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students, and visitors are prohibited from the use or duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses, or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

A. FAIR USE

1. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:

    a. the purpose and character of the use;

    b. the nature of the copyrighted work;

    c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and

    d. the effect of the use upon the potential market for, or value of, the copyrighted work.

2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:

    a. single and multiple copying for instructional purposes;

    b. copying for performances and displays;

    c. off-air recording of copyrighted programs;

    d. use of "for home use only" videotapes or DVDs;

    e. computer software;

    f. copyrighted materials on the Internet and online databases;

    g. reproduction and loan of copyrighted materials by school media centers;

and

h. preparation of educational multimedia projects using portions of copyrighted works.

B. BUDGET

The budget recommended by the superintendent to the board must include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal References: 17 U.S.C. 101, 102, 106, 108, 110, 117

Cross References: Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

Adopted: August 3, 1998

Revised: July 12, 1999; October 24, 2005; June 21, 2010; November 20, 2017

Reviewed: May 17, 2021

The board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students, and parents engaging, learning, collaborating, and sharing in digital environments as part of 21st Century learning. The board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the board will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities in accordance with policies 3220, Technology in the Educational Program, and 3225/4312/7320, Technology Responsible Use.

The board acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors, shall comply with the requirements of this policy when using electronic social media for personal purposes. In addition, all school employees must comply with policy 4040/7310, Staff-Student Relations, when communicating with individual students through other electronic means, such as through voice, email, text-messaging, or video-conferencing platforms.

A. DEFINITIONS

1. Social Media

   For the purposes of this policy, "social media" refers to the various online technology tools that enable people to communicate easily over the Internet to share information and resources. It includes, but is not limited to: personal websites, blogs, wikis, social networking sites, online forums, virtual worlds, video-sharing websites, and any other Internet-based applications which allow the exchange of user-generated content. For purposes of this policy, it also includes any form of instant or direct messaging available through such applications. Examples of social media include Web 2.0 tools, Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, Google+, and social media components of learning management systems such as Moodle or Edmodo. The use of video-conferencing platforms such as Zoom, Webex, and Google Meet is subject to policy 4040/7310, Staff-Student Relations.

2. School-Controlled Social Media

   "School-controlled social media" are social media networks, tools, or activities that are under the direct control and management of the school system and that create an archived audit trail.

3. Personal Social Media

"Personal social media" means any social media networks, tools, or activities that are not school-controlled.

B. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS

Employees are to maintain professional relationships with students at all times in accordance with policies 4040/7310, Staff-Student Relations, and 7300, Staff Responsibilities. The use of electronic media for communicating with students and parents is an extension of the employee's workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications and to comply with the following.

1. All electronic communications with students who are currently enrolled in the school system must be school-related and within the scope of the employees' professional responsibilities, unless otherwise authorized by this policy or policy 4040/7310, Staff-Student Relations.

2. School employees may use only school-controlled social media or approved video-conferencing platforms to communicate directly with current students about school-related matters. (For expectations regarding communication with students through video-conferencing platforms or other forms of electronic communication, e.g., email or texts, see policy 4040/7310, Staff-Student Relations.)

3. Employees are prohibited from knowingly communicating with current students through personal social media without parental permission. An Internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy unless the parent has consented to the communication. However, an employee may communicate with a student using personal social media to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, sport, or religious organization.

4. An employee seeking to utilize and/or establish a non-school-controlled social media website for instructional or other school-related purposes must have prior written approval from the principal and the superintendent or designee and must verify that the social media application's terms of service meet the requirements of policies 3220, Technology in the Educational Program, 3225/4312/7320, Technology Responsible Use, and 3227/7322, Web Page Development. If the website collects personal information from students under the age of 13, the use will not be approved unless the applicable requirements of the Children's Online Privacy Protection Act (COPPA) are met. The employee shall ensure that the

website does not include or link to the employee's personal social media footprint. The site must be used for school-related purposes only.

C. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The board respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations, and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's "friends," or members of the public who can access the employee's site, and for Web links on the employee's site. Employees shall take reasonable precautions, such as using available security settings, to manage students' access to the employees' personal information on social media websites and to prevent students from accessing materials that are not age-appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time.

D. POSTING TO SOCIAL MEDIA SITES

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents, and community members. Employees shall observe the following principles when communicating through social media.

1. Employees shall not post confidential information about students, employees, or school system business.

2. Employees shall not accept current students as "friends" or "followers" or otherwise connect with students on personal social media sites without parental permission, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol, or drug use or other behaviors associated with the employees' private lives that would be

inappropriate to discuss with a student at school.

4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public without parental permission, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

5. Employees shall be professional in all Internet postings related to or referencing the school system, students or their parents, and other employees.

6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar, or sexually offensive language, pictures, or graphics, or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.

7. Employees shall not use the school system's logo or other copyrighted material of the system on a personal social media site without express, written consent from the board.

8. Employees shall not post identifiable images of a student or student's family on a personal social media site without permission from the student and the student's parent or legal guardian. Employees may post such images on a school-controlled social media site only with prior permission of the employee's supervisor and in accordance with the requirements of federal and state privacy laws and policy 4700, Student Records.

9. Employees shall not use Internet postings to libel or defame the board, individual board members, students, or other school employees.

10. Employees shall not use Internet postings to harass, bully, or intimidate students or other employees in violation of policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures, and 4329/7311, Bullying and Harassing Behavior Prohibited, or state and federal laws.

11. Employees shall not post content that negatively impacts their ability to perform their jobs.

12. Employees shall not use Internet postings to engage in any other conduct that violates board policy or administrative procedures or state and federal laws.

E. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or

designee may periodically conduct public Internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

The superintendent shall establish and communicate to employees guidelines that are consistent with this policy.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 16 N.C.A.C. 6C .0601, .0602; State Board of Education Policy EVAL-014

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Web Page Development (policy 3227/7322), Copyright Compliance (policy 3230/7330), Staff-Student Relations (policy 4040/7310), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Student Records (policy 4700), Staff Responsibilities (policy 7300)

Adopted: November 20, 2017

Revised: December 13, 2021; August 19, 2024

The board believes that the appearance and the conduct of its faculty are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly, and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards. The superintendent shall develop and communicate to employees guidelines for appropriate dress and appearance. Such guidelines (1) must be gender-neutral; (2) may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department; (3) may authorize exemptions from the guidelines for employees performing specialized duties that require a different form of dress; and (4) must provide a process for offering reasonable accommodations when required by law.

Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;

2. whether the dress is consistent with a professional environment;

3. health and safety factors;

4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;

5. the employee's interaction with students;

6. the prevailing practices of other workers in similar jobs; and

7. any properly established guidelines for dress or appearance.

If the supervisor determines that the employee's dress or appearance violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees, or students, the supervisor shall counsel the employee regarding attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his or her dress. Any failure to follow the supervisor's directive and/or blatant or repeated violations of this policy will subject the employee to disciplinary action, up to and including dismissal.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*; Consolidated Appropriations Act, 2023, P.L.

117-328, div. II - Pregnant Workers Fairness Act; *Bostock v. Clayton County*, 590 U.S. __, 140 S. Ct. 1731 (2020); G.S. 115C-36, -47

Cross References:

Adopted: November 15, 2010

Reviewed: December 13, 2021; December 18, 2023

USE OF UNMANNED AIRCRAFT (DRONES)

Policy Code: **4334/5035/7345**

The board supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. An "unmanned aircraft" or "drone" is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.

2. The "use" of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.

3. "School property" includes any property that is owned, leased, or otherwise controlled by the board.

4. Use of an unmanned aircraft is for a "recreational" purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

B. AUTHORIZED USE OF UNMANNED AIRCRAFT

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of the registration, certification, permit, and/or waiver required by the FAA and/or NCDOT to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

   An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

   An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 ("Part 107"). In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.

2. Use by a Recreational Flyer

   A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT

1. FAA Safety Guidelines

   A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

   a. The unmanned aircraft must be registered with the FAA and marked with the registration number.

   b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification unless flying within an FAA-recognized identification area.

   c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.

   d. The operator must keep the unmanned aircraft within his or her visual line of sight at all times.

e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).

f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.

g. The operator must not fly the unmanned aircraft near emergency response activities.

h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.

i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the board.

a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.

b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.

c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.

d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of the superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.

e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent. As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.

f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.

g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.

h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.

i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.

j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57C (October 20, 2022), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57C_FAA_Revised.pdf; Federal Aviation Administration, Advisory Circular 107-2A (February 1, 2021), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/Editorial_Update_AC_107-2A.pdf; G.S. 14-7.45, -280.3, -401.24, -401.25; 15A art. 16B; 63 art. 10; 113-295; North Carolina High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at https://www.faa.gov/uas/; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx

Adopted: August 16, 2021

Revised: August 8, 2022; April 2, 2024

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Any report received from the Teachers' and State Employees' Retirement System pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

1. Name.

2. Age.

3. The date of original employment or appointment.

4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.

5. Current position.

6. Title.

7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).

8. The date and amount of each increase or decrease in salary with the board.

9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.

10. The date and general description of the reasons for each promotion with the board.

11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.

12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

B. DESIGNATION OF RECORDS OFFICER

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

1. Duties of the Records Officer

   The duties of the records officer include the following:

   a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;

b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;

d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;

e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and

f. reviewing appeals of any denial of a request for public records.

2. Other Duties

A designated electronic records officer, or other employee(s) as determined by the superintendent, shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase, or other means, to ensure they are designed and maintained in a manner that:

a. will not impede the school system's ability to permit public inspection and examination of public records; and

b. provides a means of obtaining copies of such records.

C. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request, and information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

D. FEES FOR COPIES OF PUBLIC RECORDS

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school

system shall not charge any fees for separating confidential information that is commingled with public records.

E. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records. See policy 4700, Student Records.

F. DESTRUCTION OF PUBLIC RECORDS

To the extent required by law, school personnel shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The superintendent may establish regulations for the destruction of records in accordance with the approved schedules.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: March 12, 2012

Revised: October 21, 2013; November 24, 2014; February 8, 2016; March 29, 2018; August 8, 2022

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code: **5071/7351**

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). To the extent required by law, school personnel shall maintain ESI in accordance with this policy and/or the applicable records retention and disposition schedule(s) ("Schedule") issued by the North Carolina Department of Natural and Cultural Resources.

School business-related ESI sent and/or received by an employee using a personal technology device or account is subject to this policy and policy 3228/7323, Use of Personal Technology to Conduct School Business.

A. SYSTEM-WIDE EMAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All emails produced and received using the school system email platform are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related emails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such emails, in hard copy or electronic format, for the applicable time period. For ESI other than email, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney, and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release, and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other Resources: *Digital Records*, State Archives of North Carolina, https://archives.ncdcr.gov/government/digital-records

Adopted: December 20, 2010

Revised: February 8, 2016; March 29, 2018; August 16, 2021; August 8, 2022; July 20, 2026

CROWDFUNDING
ON BEHALF OF THE SCHOOL SYSTEM

Policy Code: **7360/8225**

For purposes of this policy, crowdfunding is the practice of using online sites to solicit donations, whether monetary or in-kind, on behalf of the school system. A crowdfunding campaign is considered to be on behalf of the school system if it uses imagery or language that would lead a reasonable person to believe that (1) the school system is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the school system.

The board recognizes that crowdfunding campaigns are increasingly being used by employees to fund specific projects or programs. By aggregating donations from a broad and potentially diverse group of donors, crowdfunding has the potential to provide additional revenue and resources to classrooms and programs. Crowdfunding also has the potential to promote morale among employees by rewarding hard work and dedication.

Despite the positive aspects of crowdfunding, the unregulated use of the practice can subject the school system and the employee engaging in crowdfunding to potentially significant legal liability. The purpose of this policy is to establish a balanced approach that regulates and provides parameters for crowdfunding on behalf of the school system.

Parent organizations engaging in fundraising are subject to policy 5010, Parent Organizations, and are exempt from this policy. The board reserves the right to designate additional groups or individuals as exempt from this policy.

A. UNAPPROVED CROWDFUNDING PROHIBITED

Crowdfunding on behalf of the school system is prohibited unless undertaken by an employee with prior written approval under this policy. No action towards initiating a crowdfunding campaign on behalf of the school system may be taken until the campaign is approved in writing pursuant to this policy.

No employee or student will be compelled to initiate or participate in a crowdfunding campaign on behalf of the school system. Students are permitted to participate in publicizing an employee's approved crowdfunding campaign but are prohibited from otherwise engaging in crowdfunding on behalf of the school system. Employees or students who participate in crowdfunding on behalf of the school system are acting in their capacity as employees or students and are subject to all rules governing employee and student conduct.

Except in furtherance of an approved campaign, employees are prohibited from doing any of the following as part of a crowdfunding campaign: identifying as an employee of or stating an association with the school system; using a school system email address, school name, logo, or mascot; or linking to or referencing any school website, social media site, platform, or account associated with the school system.

Approved crowdfunding campaigns will operate in compliance with all laws and other board policies and regulations, including policies 6401/9100, Ethics and the Purchasing Function; 8210, Grants and Funding for Special Projects; and 8220, Gifts and Bequests, except as otherwise provided in this policy.

B. APPROVAL REQUEST FORM

An employee seeking approval of a crowdfunding campaign shall provide the following information on a form designated for this purpose (hereinafter referred to as the "approval request form"):

1. the employee's name, job title, school, and email address;

2. the approved crowdfunding website to be used;

3. the nature and quantity or amount of donations being requested;

4. the classroom, program, or activity to be benefitted and the educational purpose to be served;

5. the exact language that will be used in the crowdfunding campaign, as well as any graphics that will be included;

6. the start and end dates of the crowdfunding campaign; and

7. a statement of recognition by the requester that any proceeds of the campaign are school property.

The approval request form will be made available in school offices and on the school system's website.

C. PROCESS FOR APPROVAL OF REQUESTS

Notwithstanding anything to the contrary in policy 8220, Gifts and Bequests, the terms of this section control the approval of proposed online crowdfunding campaigns.

1. Review by the Principal

   To be eligible for approval under this policy, employees must submit in writing a fully completed approval request form to the principal. The principal has authority to approve proposed campaigns seeking a dollar value up to $5,000.00. Regardless of the amount sought to be donated, the principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of $5,000.00, and the principal believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the principal shall refer the proposed campaign to the superintendent or designee.

2. Review by the Superintendent

The superintendent or designee shall review referred approval request forms and seek additional information about proposed campaigns as appropriate. The superintendent or designee has authority to approve proposed campaigns seeking a dollar value up to $25,000.00. Regardless of the amount sought to be donated, the superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of $25,000.00, and the superintendent or designee believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the superintendent or designee shall refer the proposed campaign to the board.

3. Review by the Board

Only the board has the authority to approve a campaign that seeks a dollar value in excess of $25,000.00. After considering the superintendent's or designee's recommendation, the board will decide whether to approve the proposed campaign.

D. REQUIREMENTS FOR APPROVED REQUESTS

Crowdfunding requests will not be approved unless the proposed campaign:

1. meets all requirements of board policy and any applicable administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable laws;

2. uses a crowdfunding site that has been approved by the superintendent pursuant to Section E;

3. is consistent with the school system's approved curriculum;

4. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;

5. seeks donations that are compatible with the school system's technology, as

confirmed by the technology director;

6. has a specific, pre-determined beginning and ending date;

7. does not disparage the school system or any of its buildings, programs, representatives, employees, or students;

8. does not include pictures or the identifying or confidential information of any school system student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;

9. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;

10. does not result in donations being delivered directly to the requester;

11. is not contingent on the school system matching funds or making any expenditure;

12. does not request food or beverage items inconsistent with Smart Snack Standards, Section C of policy 6140, Student Wellness, or nutrition standards set by the school system or school; and

13. does not suggest or state that the donation sought is required for or integral to a student's special education program, a student's ability to achieve his or her IEP goals, or the participation of students with disabilities in any school program.

Any crowdfunding campaign that does not fully comply with the requirements of this policy is prohibited. It is the responsibility of the employee implementing an approved crowdfunding campaign to ensure that all applicable policies, regulations, and laws, including the requirements of the crowdfunding site, are followed.

The school system reserves the right to terminate any approved crowdfunding campaign or refuse any donation for any reason and at any time, including if it believes the donation was acquired in violation of board policy, regulation, or other law.

E. APPROVED CROWDFUNDING SITES

The superintendent or designee shall create a list of approved crowdfunding sites. All approved crowdfunding sites must (1) be operated by an entity with no known significant history of fraud, unlawful activity, financial mismanagement, or other misconduct and (2) have a policy requiring all donations on behalf of the school system to go directly to the school system. The superintendent or designee shall encourage the use of sites that are focused on K-12 education.

If no site meets these requirements or the superintendent or designee does not approve any sites, no crowdfunding requests will be approved.

F. PROCESSING AND ALLOCATING DONATIONS

All monetary donations will be made payable to and deposited in an individual school account where the employee is associated. If the monetary donation involves the electronic transfer of funds, the principal shall ensure that the transfer is made properly and in accordance with acceptable standards of practice. All in-kind donations must be inventoried in accordance with policy 8350, Fixed Assets Inventory, by the individual school where the employee is associated. The school finance officer shall ensure that all donations are processed in a manner consistent with the School Budget and Fiscal Control Act and any other applicable law.

All donations, regardless of their form, obtained through crowdfunding on behalf of the school system are school property. As a general matter, the employee who completed an approved crowdfunding campaign should be given preference in the use of the donations obtained. Employees shall only use donations from a crowdfunding campaign for the approved purpose stated in the campaign. The school system reserves the right to transfer donations to a different use at the board's discretion.

G. RECORDKEEPING

After donations obtained through an approved crowdfunding campaign have been utilized, the employee must file a written report with the principal detailing how the donations were used and how students benefited.

Legal References: 7 C.F.R. 210.11; G.S. 115C-36, -47; The School Budget and Fiscal Control Act, G.S. 115C, art. 31

Cross References: Technology in the Educational Program (policy 3220), Parent Organizations (policy 5010), Collections and Solicitations (policy 5220), Student Wellness (policy 6140), Ethics and the Purchasing Function (policy 6401/9100), Grants and Funding for Special Projects (policy 8210), Gifts and Bequests (policy 8220), Fixed Assets Inventory (policy 8350), Individual School Accounts (policy 8410)

Other Resources: *Crowdfunding in K-12: Developing a Vision that Informs Policy*, EdSurge Research (2019), available at https://www.edsurge.com/research/reports/crowdfunding-in-k-12-developing-a-vision-that-informs-policy; Dave Yost, *Special Report on Crowdfunding Classrooms*, Office of the Ohio Auditor of State (July 11, 2018), available at https://www.ohioauditor.gov/publications/2018%20crowdfunding%20report%20FINAL.pdf; *Crowdfunding in K-12 Education*, National School Boards Association (April 2018), available at https://www.ncsba.org/wp-content/uploads/2020/02/Crowdfunding-Best-Practices-for-School-Board-Members-NSBA.pdf

Adopted: August 17, 2020

Reviewed: December 13, 2021

Job descriptions must be developed for all positions. A job description must identify the essential functions of the position and should stress expected working relationships with other employees and whatever duties are directly or indirectly related to student performance.

Job descriptions will be used as a criterion in screening applicants and evaluating employees. Job descriptions also will be used in organizational planning, budgeting and personnel administration.

Job descriptions will be on file and available to employees and applicants in the personnel office.

Legal References: G.S. 115C-47(18), -307

Cross References:

Adopted: November 15, 2010

Reviewed: December 13, 2021

The board acknowledges that instructing students is the primary mission of the school system. Generally, in order to carry out the responsibilities of the school system, teachers and other employees may also be required to perform certain non-instructional and extracurricular duties. Assigned additional duties are considered part of all employees' responsibilities. However, assignment of additional duties to teachers should be minimized to allow time for teachers to plan, collaborate with colleagues, conduct conferences with parents, tutor students, and perform any other activities that have a direct impact on student achievement. Beginning teachers also need adequate opportunities to develop their professional skills and need access to experienced teachers who will provide mentoring to them. In light of these goals, the principal of each school has the authority to assign extracurricular and non-instructional duties as necessary to conduct the business of the school, within the following guidelines.

A. EXTRACURRICULAR DUTIES

Initially licensed teachers may not be assigned extracurricular duties unless they request the assignments in writing.

1. Extracurricular Duties Defined

Extracurricular duties include those duties performed by a teacher outside the regular school day that involve students and are not directly related to the instructional program. Examples of extracurricular activities for which consent is required include such things as coaching duties, taking tickets at sporting events, and acting as a faculty sponsor for a student club. Extracurricular duties do not include such things as time spent in parent-teacher conferences or activities related to courses taught by the teacher, such as band concerts that are performed as a part of band class.

2. Exceptions Permitted for Compelling Reasons

In cases of compelling need, initially licensed teachers may be required to perform extracurricular duties if the procedures set forth in this paragraph are followed.

a. Compelling Need Defined

A compelling need arises when the principal of a school is not reasonably able to provide adequate supervision by qualified personnel at extracurricular activities without using initially licensed teachers and no initially licensed teachers have volunteered in writing to perform these activities. In determining whether a compelling need exists, it will be assumed that teaching assistants and other non-licensed employees may

not be assigned to extracurricular duties unless the assignment is approved in advance by the superintendent or designee. Examples of compelling need include circumstances when:

1) an employee who is scheduled to perform an extracurricular duty is unexpectedly unavailable and the position must be filled quickly;

2) the school principal cannot adequately fill extracurricular duty positions without additional reliance on initially licensed teachers; or

3) an extracurricular duty must be supervised by individuals with certain experience, skills, or qualifications and initially licensed teachers are the only qualified staff members who possess the required experience, skills, or qualifications.

b. Process for Granting a Compelling Need Waiver

1) Board Waiver

In cases in which the need for a waiver is reasonably foreseeable and there is an opportunity to bring the matter before the board of education for approval prior to the extra duty, the superintendent shall bring the matter to the board for a decision on the waiver request. The recommendation for a waiver must be in writing and set forth the circumstances requiring the waiver. The board minutes or other documentation will reflect the reasons for granting the waiver.

2) Superintendent Waiver

If there is not a scheduled board meeting prior to the need to provide adequate supervision at the extracurricular activity, the superintendent may waive the requirement upon a finding of compelling need. The superintendent shall make a written record of all such waivers and the circumstances for requesting each waiver. At the next regular board meeting, the superintendent shall report to the board any past waivers made and the reasons therefore. If the waiver is for an ongoing activity, the superintendent must seek and obtain board approval to continue the initially licensed teacher in the extracurricular activity in accordance with the procedure in paragraph (1) above.

3) Principal Waiver

If there is an exigent need to waive the policy, such as the

unexpected illness or absence of an employee, then the school principal is authorized to waive the policy temporarily for up to five days. However, the principal must report the waiver to the superintendent in writing, setting forth the circumstances requiring the waiver. The superintendent must approve all waivers over five days, as provided in paragraph (2) above. The board must approve all continuing waivers at its next regular meeting, as provided in paragraph (1) above.

4) Teacher Access to Records

The teacher may request and is entitled to receive any documentation regarding waivers requested or granted under this policy.

B. NON-INSTRUCTIONAL DUTIES

Principals shall minimize the assignment of non-instructional duties to all teachers, including initially licensed teachers. Specifically, teachers should not be required to use their daily planning periods on an ongoing and regular basis to supervise students. Planning periods generally should be reserved for course planning and meetings with other professional staff regarding the instructional program.

1. Non-Instructional Duties Defined

Non-instructional duties refer to those duties that are not directly involved with the instructional program or the implementation of the current statewide instructional standards, but that all teachers are expected to do. These duties include such things as bus duty, carpool duty, and regular and ongoing use of planning periods to monitor hallways and cafeterias. Nothing in this policy should be construed to relieve teachers of the responsibility to provide for the safety and supervision of students during regular school hours, as necessary to maintain order and discipline in the school.

2. Distribution of Non-Instructional Duties

Non-instructional duties should be distributed equitably among employees to the extent that it is reasonably possible to do so. In assigning non-instructional duties, consideration should be given to the need for initially licensed teachers to have adequate professional development, planning time, and access to more experienced teachers who can share their expertise. Principals are responsible for structuring these opportunities in a way that will be beneficial to the students and employees at their schools.

C. EVALUATION

The failure of an initially licensed teacher to volunteer to perform extracurricular duties is not appropriate grounds to lower the teacher's evaluation or just cause for a less than proficient evaluation rating of an initially licensed teacher, provided that the teacher has conducted himself or herself in a professional manner when declining to accept extracurricular duties. However, a teacher's failure to perform an assigned non-instructional or extracurricular duty in a competent and professional manner may be considered as a part of the teacher's evaluation.

Legal References: G.S. 115C-47(18a), -301.1; State Board of Education Policy TCED-016

Cross References:

Adopted: November 20, 2017

Revised: December 12, 2018

Reviewed: December 13, 2021

The Stokes County Board of Education ("board") recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the board will meet the requirements of state law and State Board of Education policy. Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term "teacher" is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract does not meet this definition of teacher; however, the board's performance expectations established in this policy apply to such individuals.

A. TEACHER PERFORMANCE EXPECTATIONS

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The board expects teachers to meet all performance standards established by the board, state law, and State Board of Education policy, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

B. SUPERINTENDENT'S RECOMMENDATION

The board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The superintendent's recommendation for a new or renewed contract must include the length of the term of the contract, which must be consistent with state law and board requirements as described in Section C, below. The board will follow a recommendation of the superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term. In considering the superintendent's recommendation, the board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation.

C. DETERMINATION OF CONTRACT LENGTH

This section applies when the superintendent has decided to recommend that the board offer a teacher a new or renewed contract. For information regarding a decision by the superintendent not to recommend that the board offer a teacher a renewed contract, see policy 7950, Non-Career Status Teachers: Nonrenewal.

A new or renewed contract will be for a term of one school year for teachers who have been employed by the board as a teacher for less than three consecutive years. For teachers who have been employed by the board as a teacher for three or more consecutive years and who are in good standing, a new or renewed contract will be for a term of four school years. A teacher will be considered in good standing for purposes of this policy if: (1) the teacher received a rating of at least "proficient" on all standards of the teacher evaluation instrument on the two most recent annual evaluations; (2) the teacher is not currently on a growth, improvement, or corrective action plan and has not been on any such plan at any time during the current or previous school year; (3) the teacher has not received a written reprimand, demotion, suspension without pay, or other documented disciplinary action during the current or previous school year; (4) there is no other relevant performance information in the personnel file that would support a decision to disqualify the teacher from a multi-year contract; and (5) based on the teacher's overall performance, the principal recommends the teacher for a multi-year contract. A contract for a teacher who is not in good standing may be for a term of one year only.

D. DISMISSAL AND NONRENEWAL

This policy is not intended to limit the superintendent's discretion to recommend dismissal, demotion, or nonrenewal of any teacher in accordance with law and board policy. Any employee who does not meet the performance or other standards of the board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, or to nonrenewal, as provided in policy 7950, Non-Career Status Teachers: Nonrenewal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: March 19, 2018

The board recognizes the importance of establishing a clear contractual relationship with the superintendent. The board, upon selection of a candidate or upon reappointment of the incumbent superintendent, will enter into an explicit contractual agreement with the superintendent that meets, at a minimum, the requirements of state law. The contract will be voted upon by the board in open session at a duly called meeting after the members of the board have had an opportunity to review the final written document. If the contract is approved, the open session minutes of the board will reflect that the board voted to approve the contract and will include the executed written document as an attachment.

Any subsequent revisions to or extensions of the superintendent's contract, including any additional compensation, will likewise be voted upon by the board in open session at a duly called meeting of the board after the board members have had an opportunity to review the written amended document. If amendments to the contract are approved, the open session minutes of the board will reflect that the board voted to approve the amendments and will include the executed written document as an attachment.

The terms of the contract between the board and the superintendent will include general responsibilities, professional activities, evaluations, salary, vacation and leave arrangements, and other benefits. The contract also may specify performance expectations, including expectations related to board goals and objectives and State Board standards for student success. The superintendent's contract, as well as any amendments, will be signed by the board chair and vice chair on behalf of the board and must be pre-audited by the finance officer.

In the event that the superintendent's contract is terminated, the board will take appropriate and necessary action to help ensure the continuous smooth operation of the school system.

Legal References: G.S. 115C-47(13), -47(15), and -47(16), -271 to -275

Cross References:

Adopted: February 21, 2011

Revised: December 13, 2021

The board recognizes that an effective staff is critical to the smooth operations of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. For the purposes of this policy, the term "school administrator" is defined as a principal, assistant principal, supervisor, or director whose major function includes the supervision of teaching or any other part of the instructional program.

A. STANDARD FOR INITIAL, EXTENDED, OR RENEWED CONTRACTS

School administrator contracts will be granted, extended, or renewed only for individuals of proven ability who strive for excellence. School administrators should be able to facilitate student learning and effectively carry out the responsibilities of providing for school safety and enforcing student discipline. The superintendent is expected to be able to substantiate any recommendation for granting a new contract, extending a current contract, or renewing a contract with evaluation data, as described in policy 7810, Evaluation of Licensed Employees, or with regard to applicants, with data from the selection process as provided in policy 7100, Recruitment and Selection of Personnel. If the board is not satisfied that an applicant or employee has met the standards established by the board, employment will be denied, following statutorily prescribed procedures and other applicable legal requirements.

B. TERM OF CONTRACT

1. Initial Contracts

   Initial contracts between a school administrator and the board will be for a term of two to four years. Four-year initial contracts will be granted only to exemplary school administrators. Absent unusual circumstances, two-year initial contracts will be granted for individuals who do not have experience as school administrators. In addition, one-year contracts may be granted to individuals who hold a provisional assistant principal's license.

2. Subsequent Contracts

   Subsequent contracts between a principal or assistant principal and the board will be granted for a term of four years.

C. PERFORMANCE EXPECTATIONS

An employee who has a school administrator contract with the school system is expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800,

Professional and Staff Development. Any employee who is unable or unwilling to meet reasonable standards of the board may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, and in accordance with statutorily prescribed procedures.

D. PROCEDURE FOR NEW, RENEWED, OR EXTENDED CONTRACTS

1. Decisions of the superintendent and board with regard to recommendations and offers and decisions not to recommend or offer new, renewed, or extended contracts will be made in accordance with G.S. 115C-287.1.

2. If the superintendent decides not to recommend that the board offer a school administrator a new, renewed, or extended contract, the employee has all procedural rights accorded by G.S. 115C-287.1.

3. In considering a recommendation of the superintendent to offer a school administrator a new, renewed, or extended contract, the board may review any information that was in the employee's personnel file at the time of the superintendent's recommendation. If the board determines that it needs additional information to reach a decision, it will notify the administrator of the board's concerns and of the additional information that it is considering and provide an opportunity for the employee to respond to the additional information.

Legal References: G.S. 115C-36, -47(18), -284(c), -287.1, -289, -325.1 *et seq*., *Tobe-Williams v. New Hanover Co. Bd. of Educ.*, 234 N.C. App. 453, 759 S.E.2d 680 (2014)

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: February 6, 2017

Revised: December 13, 2021

A. GENERAL EMPLOYMENT OF SUBSTITUTES

The school system will employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. The board recognizes the importance of employing licensed teachers as substitutes and will give first priority to substitutes who hold or have held any teaching license and second priority to those who have completed Effective Teacher Training or comparable professional development courses. Teaching experience also will be considered.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

B. TEACHER ASSISTANTS AS SUBSTITUTES

A teacher assistant may serve as a substitute teacher in the classroom(s) in which the assistant is regularly assigned and will be paid additional compensation according to state policies.

C. PARENTAL NOTIFICATION

In accordance with policy 1320/3560, Title I Parent and Family Engagement, school principals shall notify the parent of any child who receives instruction for four or more consecutive weeks from a substitute teacher who does not meet the certification and licensure standards for the grade level and subject area to which the substitute teacher has been assigned.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(B)(ii); G.S. 115C-12, -36, -47, -332; 16 N.C.A.C. 6C .0313, .0403; *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Recruitment and Selection of Personnel (policy 7100)

Adopted: November 20, 2017

Revised: December 13, 2021; August 8, 2022

All assignments and transfers of employees to schools are the responsibility of the superintendent. In-school transfers are the responsibility of the principal. The board must be promptly notified of all employee transfers authorized by the superintendent.

The superintendent may assign school employees in any manner that he or she deems appropriate, consistent with legal requirements. In assigning professional employees to an alternative school, the superintendent shall consider the experience and evaluation ratings of the professional employees, as provided in policy 3470/4305, Alternative Learning Programs/Schools.

Voluntary and involuntary transfers of employees will be made in accordance with course requirements, fluctuating enrollments, allotment, efforts to improve student performance, and the general welfare of the school system. The interests and aspirations of employees will be considered in making assignments and transfer decisions; however, such interests must be weighed against what is in the best interest of the students, school or school system. Employees will be informed of transfer decisions as soon as is reasonably feasible.

The superintendent shall establish any necessary procedures for employee-initiated transfer requests.

An employee may appeal a transfer decision to the board. The board generally will uphold transfer decisions made in accordance with this policy that are not arbitrary, capricious, political or discriminatory.

Legal References: G.S. 115C-47, -276, -301

Cross References: Alternative Learning Programs/Schools (policy 3470/4305)

Adopted: February 21, 2011

Reviewed: December 13, 2021

A. WORK SCHEDULES

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the stated minimum. Work schedules for other employees will be defined by the superintendent or designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. WORKWEEK DEFINED

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial, and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

C. OVERTIME AND COMPENSATORY TIME

The board of education discourages overtime work by non-exempt employees. A non-exempt employee may not work overtime without the express approval of his or her supervisor. All overtime work must be approved by the superintendent or designee. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the superintendent or designee. Principals and supervisors shall monitor employees' work, shall ensure that overtime provisions of this policy and the FLSA are followed, and shall ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete timesheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer shall review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use

(see policy 7510, Leave). Employees may accrue a maximum of 240 compensatory time hours before they must be provided overtime pay at the appropriate rate. In addition, upon leaving the school system, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his or her last three years of employment or (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be provided a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the agreement required in this section.

D. ATTENDANCE EXPECTATIONS

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness, or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*; G.S. 115C-47(18), -288, -307; *North Carolina Public School Personnel Employee Salary and Benefits Manual* (most current version), North Carolina Department of Public Instruction, Division of School Business, available at https://www.dpi.nc.gov/districts-schools/district-operations/financial-and-business-services/compensation-public-school-employees

Cross References: Leave (policy 7510)

Adopted: November 23, 2015

Revised: December 13, 2021

COMPLIANCE WITH STATE BOARD OF EDUCATION EMPLOYMENT POLICIES

Policy Code: **7505**

It is the policy of the board to comply with the benefits and employment policies promulgated by the State Board of Education or the Department of Public Instruction in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, as supplemented by any applicable local board policy.

In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its benefits and employment policies be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policies are made.

Legal References: *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Specific Employment Relationships Policies (7400 series), Workday and Absences Policies (7500 series)

Adopted: February 21, 2011

Revised: December 13, 2021

The board of education believes that it is important for employees to have leave available to attend to personal, civic, and professional matters as well as to meet family commitments. This need for leave is to be balanced with the need to provide an effective instructional program for students. No employee may be discharged, demoted, or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy.

In addition to applicable laws and regulations, this board policy applies to leave requests. The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.

The superintendent shall develop any necessary administrative procedures and make them available to employees upon request.

A. MINIMUM LEAVE TIME

An employee may take any type of leave in increments of hours unless otherwise specified in this policy.

B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS

An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical Leave.

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave should inform their immediate supervisor in advance so that arrangements may be made to reassign the employee's duties during the

period of absence.

D. PAID PARENTAL LEAVE

An employee shall provide his or her supervisor and the Director of Human Resources with 10 weeks' advance written notice of the intent to take paid parental leave when it is reasonably possible to do so. If 10 weeks' advanced written notice is not reasonably possible, the employee must provide as much notice as is reasonable under the circumstances.

E. PERSONAL LEAVE

Personal leave must be used in half or whole day units. Personal leave may be used only upon the authorization of the teacher's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

F. VACATION LEAVE

Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for 12-month employees.

G. COMPENSATORY LEAVE

Because professional employees are expected to fulfill all job duties, compensatory leave should apply only in extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) as described in policy 7500, Workday and Overtime. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned, if possible; however, the superintendent or designee may exempt certain employees or categories of employees from this requirement when deemed necessary for the proper administration of the school system.

An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.

H. LEAVE TO TEACH AT A CHARTER, REGIONAL, OR LAB SCHOOL

Leave of absence to teach for one year at a charter, regional, or lab school will be granted to a teacher upon timely written request to the board. The request must be provided at least 45 days before the teacher would otherwise have to report for duty if it is the initial

year of the charter/regional/lab school's operation and at least 90 days if it is after the charter/regional/lab school's initial year of operation. The teacher may return to work in the school system in accordance with the provisions of applicable state law.

I. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY

An employee, who wishes to take leave that is not eligible for any other specific type of leave, may be granted a leave of absence without pay for a period of up to one calendar year at the discretion of the superintendent with approval from the board.

The employee is expected first to consult with his or her immediate supervisor and then to provide advance written notice (60 days if possible) stating the beginning and ending dates of the desired leave of absence. The superintendent may request documentation from the employee in support of his or her request. In determining the length of the leave of absence without pay that will be approved, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.

Once a leave of absence without pay has been requested by an employee and approved by the board, the dates are binding unless both parties agree to a change.

J. OTHER LEAVE

Other types of leave, such as leave for observance of a bona fide religious holiday, professional leave, community responsibility leave, leave for jury duty or court attendance, elected officials leave, parental involvement in schools leave, parental leave without pay, and military leave (see policy 7530, Military Leave), will be granted in accordance with the requirements of law and State Board of Education policy.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -218.90(a)(3), -238.68(3), -285, -302.1, -316, -336, -336.1; 116-239.10(4); 126-5(c19), -8.6; 143B-1033; 16 N.C.A.C. 6C .0405, .0408; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Workday and Overtime (policy 7500), Compliance with State Board of Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

Adopted: January 3, 2000
Revised: February 18, 2013; October 21, 2013; November 24, 2014; March 20, 2017; November 20, 2017; December 13, 2021; August 8, 2022; March 20, 2023; April 2, 2024

All eligible employees will be provided leave as required by the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks (or 26 workweeks in certain cases) in any 12-month period for certain qualifying conditions or events. The employee may continue to participate in the school system's group insurance plan while on FMLA leave.

This policy is intended for guidance only and is not intended to alter or expand the school system's responsibilities beyond the requirements of law. If any provision of this policy is inconsistent with federal law or regulation, the federal rule must take precedence. The superintendent is authorized to develop additional regulations for FMLA leave consistent with the requirements of the law and this policy. Employees can find more information about FMLA leave in the *North Carolina Public Schools Benefits and Employment Policy Manual*.

The board strictly prohibits interfering with, restraining, or denying the ability of any employee to exercise any right provided by the FMLA. The board also strictly prohibits any type of discrimination against or discharge of an employee who has filed a complaint in regard to the FMLA. A copy of this policy will be provided to each employee upon hiring.

A. DEFINITIONS

1. Serious Health Condition

   A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

2. Continuing Treatment

   Subject to certain conditions, the continuing treatment requirement in the above definition of "serious health condition" may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

3. Other Terms

   Unless otherwise noted, all terms in this policy must be defined in accordance with 29 C.F.R. pt. 825.

B. ELIGIBILITY

Generally, employees are eligible for unpaid FMLA leave if they have:

1. been employed by the school system for at least 12 months (not necessarily consecutively); and

2. worked at least 1,250 hours during the previous 12 months.

Further information about these requirements can be found in the Code of Federal Regulations at 29 C.F.R. 825.110.

C. QUALIFYING CONDITIONS

Except in cases of leave to care for a covered servicemember with a serious illness or injury, an eligible employee is entitled to a total of 12 workweeks of FMLA leave during any 12-month period for any one or more of the following reasons:

1. the birth and first-year care of the employee's child;

2. adoption or foster placement of a child with the employee;

3. a serious health condition of the employee or the employee's spouse, child, or parent;

4. a qualifying exigency (see Section F) arising out of the fact that the spouse or a son, daughter, or parent of the employee has been deployed, or is on notice of an impending deployment to a foreign country as a member of the regular Armed Forces on active duty or as a member of the Reserve components of the Armed Forces under a federal call or order to active duty in support of a contingency operation; or

5. to care for a covered servicemember with a serious illness or injury ("covered servicemember" and "serious injury or illness" are defined in federal regulation 29 C.F.R. 825.127). An employee who is a spouse, son, daughter, parent, or next of kin of the servicemember may take leave for a period of up to 26 workweeks under this provision.

D. DETERMINING THE 12-MONTH LEAVE PERIOD

The 12-month period during which an employee is eligible for FMLA leave will be from July 1 to June 30, except that the period for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.

E. ENTITLEMENT TO LEAVE

Eligible employees may take leave as follows:

1. **Medical leave for serious health conditions**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule as is medically necessary.

2. **Family leave for pregnancy, birth of a child, or placement of a child for foster care or adoption**: A combined total of 12 consecutive workweeks during a 12-month period. Eligibility for FMLA leave expires 12 months from the birth, foster care placement, or adoption of the child. Leave must be used in a single block of time unless the board agrees to another arrangement.

3. **Military service exigency**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule.

4. **Leave to care for injured servicemember**: A combined total of no more than 26 workweeks during a single 12-month period. The leave may be taken intermittently or on a reduced leave schedule. If combined with other types of FMLA leave, the total leave taken in a single 12-month period still may not exceed 26 weeks.

5. **Spouses employed by the school system**: Spouses who are both employed by the school system and eligible for FMLA leave are limited in the amount of family leave they may take for the birth and care of a newborn child, for the placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used).

F. QUALIFIED MILITARY SERVICE EXIGENCIES

A military service exigency that qualifies for FMLA leave must be defined in accordance with federal regulations. Qualified exigencies may include:

1. short-notice deployment;

2. military events and related activities;

3. school and childcare activities;

4. financial and legal arrangements;

5. counseling;

6. rest and recuperation leave;

7. post-deployment activities;

8. parental care; and

9. additional activities agreed upon by the board and employee.

G. INTERMITTENT OR REDUCED WORK SCHEDULE

1. An employee may take FMLA leave on an intermittent or reduced leave schedule as required for the health of the employee or family member, due to a qualifying exigency, or as otherwise approved by the superintendent. The employee must make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the school. Whenever possible, the employee should discuss scheduling with his or her immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.

2. An employee who requests intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment.

3. To better accommodate an employee's need for intermittent or reduced leave for a serious health condition, the school system may require an employee to take an alternative position during the period of leave. The alternative position must have equal pay and benefits, but it does not have to have equivalent duties.

4. Employees may take intermittent leave in increments of one hour.

5. Instructional personnel are subject to special rules for taking intermittent or reduced leave. (See Section H.)

H. INSTRUCTIONAL PERSONNEL

The following special rules apply to instructional personnel only. For the purposes of this policy, instructional personnel are teachers, athletic coaches, driving instructors, special education assistants, and any other employees whose principal function is to teach and instruct students.

1. Use of Intermittent or Reduced Schedule Leave

   a. Instructional employees may use intermittent or reduced schedule leave only when the employee and the school system have reached an agreement on how the leave will be used.

b. If an instructional employee requests intermittent or reduced schedule leave for more than 20 percent of the workdays of the duration of a leave due to medical treatment, the school system may require the employee to take continuous leave for up to the entire duration of the scheduled leave or to transfer to an alternative position with equivalent pay and benefits for the period of leave.

c. Instructional employees who take intermittent or reduced schedule leave that constitutes 20 percent or less of the workdays during the leave period are not subject to transfer to an alternative position.

2. Extension of FMLA Leave at School System Discretion

The school system may require instructional personnel to continue leave through the end of the school semester if any of the following conditions exist:

a. the leave will begin more than five weeks before the end of the term; the leave will last at least three weeks; and the employee would return to work in the last three weeks of the academic term;

b. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last five weeks of the term; the leave will last more than two weeks; and the employee would return to work during the last two weeks of the academic term; or

c. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last three weeks of the term; and the leave will last at least five days.

If the school system requires an instructional employee to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work will be charged against the employee's FMLA entitlement.

I. EMPLOYEE'S RESPONSIBILITY WHEN REQUESTING LEAVE

To ensure that employees receive proper notification of their rights and responsibilities and that leave is properly designated, all employees requesting any type of leave must make the request to the assistant superintendent of human resources or designee.

1. Employee's Responsibilities When Leave is Foreseeable

a. The employee must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. If this amount of notice is not possible, then notice must be given as soon as practicable, taking into account all of the facts and circumstances.

b. The employee must provide sufficient information for the school system reasonably to determine (1) whether the FMLA may apply to the leave request and (2) the anticipated timing and duration of the leave. This information would include, for example, notice that the employee is unable to perform job functions, notice that the family member is unable to perform daily activities, notice of the need for hospitalization or continuing treatment by a health care provider, or notice of circumstances supporting the need for military family leave.

c. If the employee does not provide 30 days' notice and there is no reasonable justification for the delay, the school system may delay the FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave.

d. If an instructional employee fails to give the required notice of foreseeable leave for an intermittent or reduced leave schedule, the school system may require the employee to take continuous leave for the duration of his or her treatment or may temporarily transfer the employee to an alternative position for which the employee is qualified and that has the same benefits. (See Section H.)

2. Employee's Responsibilities When Leave is Not Foreseeable

a. When leave is not foreseeable, the employee must comply with the usual school system procedures for notifying his or her supervisor of the absence and requesting leave, including any applicable requirements established by policy 7510, Leave. If the employee fails to do so, the leave may be delayed or denied.

b. When giving notice of an absence, the employee must inform the supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified.

c. The employee also must notify the assistant superintendent of human resources or designee of the need for FMLA leave as soon as practicable.

d. All employee responsibilities in the FMLA for notice, medical certification, fitness for duty certification, and notice of intent to return to work apply as specified in this policy and policy 7510.

J. SCHOOL SYSTEM'S DESIGNATION AND NOTICE TO EMPLOYEE

1. Whether or not the employee specifically requests FMLA leave, the assistant superintendent of human resources or designee is responsible for asking any questions of the employee necessary to make a determination of whether the leave

is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The assistant superintendent may require the employee to provide notice of the need and the reason for leave.

2. The assistant superintendent for human resources or designee shall provide all legally-required notices to the employee within five days of receiving this information or otherwise learning that an employee's leave may be for an FMLA-qualifying reason, unless there is a justifiable delay, such as a delay for documentation.

   The required notices must indicate whether the employee is eligible under the FMLA. If the employee is eligible, the notice must specify any additional information required from the employee and must explain the employee's rights and responsibilities under the FMLA. If the employee is not eligible, the notice must provide a reason for the ineligibility. The required notices also must state whether the leave will be designated as FMLA-protected and, if so, the amount of leave that will be counted against the employee's leave entitlement.

3. Leave may be designated as both FMLA-eligible and as leave under the school system's paid leave policy if paid leave has been substituted. Such leave would be counted toward the employee's 12-week FMLA entitlement. In addition, the assistant superintendent of human resources may designate an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualifying absence as part of the employee's total FMLA entitlement, whether or not the employee has requested FMLA leave. (See Section M.)

4. Leave that has been taken for an FMLA-qualifying reason may be retroactively designated as FMLA leave with appropriate notice to the employee, provided that such designation does not cause harm or injury to the employee.

K. CERTIFICATION

The school system reserves the right to require employees to provide certification of any FMLA-qualifying event or condition of the employee or the employee's spouse, child, parent, or next of kin, including certification for military exigency leave. The school system will not request more medical certification information than that allowed by the FMLA and the Americans with Disabilities Act. The assistant superintendent may request a second or third opinion at the school system's expense if reason to doubt the validity of a medical certification exists. The school system may require periodic recertification to support the leave, as permitted by law.

L. RETURN TO WORK

The school system may require an employee to periodically report on his or her status and intent to return to work. Any employee who is taking leave through the end of an

academic semester must report on his or her intent to return to work no later than four weeks before the end of the academic semester. In addition, the school system may require the employee to report on his or her intent to return to work on a regular basis while on FMLA leave.

Before an employee returns to work from FMLA leave taken for the employee's own serious health condition, the employee must present a "fitness-for-duty" certification that states that the employee is able to return to work. This requirement does not apply to an employee taking intermittent leave unless the employee's condition presents a reasonable safety concern.

M. SUBSTITUTION OF PAID LEAVE

1. The school system will substitute appropriate paid leave, including sick leave, parental leave, personal leave, and vacation time for unpaid, FMLA leave to the extent allowed by law and policy, giving proper notice to the employee that the leave is designated as FMLA. If an employee has exhausted his or her accrued paid leave but an FMLA-qualifying reason for absence continues, the school system will designate resulting absences as protected FMLA leave until the employee has used all allowable FMLA leave. Such absences will be unpaid.

2. When an employee has an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualified absence, the school system may, with proper notice to the employee, designate the absence as part of the employee's total annual FMLA entitlement. If the absence continues for more than 10 days, all employee responsibilities in the FMLA to provide notice for foreseeable and unforeseeable leave, medical certification, fitness for duty certification, and notice of intent to return to work apply as specified in this policy and policy 7510.

3. An employee must not be permitted to use paid leave before beginning FMLA leave if it has been determined that the employee's reason for using paid leave meets the FMLA eligibility requirements.

N. RESTORATION TO EQUIVALENT POSITION

1. Generally

   Employees, except "key" employees, will be restored to the same or an equivalent position upon return from FMLA leave.

   The equivalent position will have virtually identical pay, benefits, and working conditions, including privileges, perquisites, and status, as the position the employee held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority. All positions within the same job classification are considered "equivalent positions" for the purposes of this policy,

so long as these conditions are met. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions, so long as these conditions are met.

2. Key Employees

Key employees do not have the right to be restored to the same or an equivalent position upon their return from FMLA leave. Key employees are salaried FMLA-eligible employees who are among the highest paid 10 percent of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then the school system has no obligation to restore the employee to the same or an equivalent position.

An employee will be informed at the time leave is taken if he or she is considered a key employee and will be informed once a determination is made that the employee will not be restored to the same or an equivalent position upon return from FMLA leave. A key employee who has been informed that he or she will not be restored still has the right to health benefits for the full period in which he or she is eligible for FMLA leave.

O. CONTINUATION OF HEALTH BENEFITS

Health care coverage and benefits will be continued for the duration of an employee's FMLA leave on the same conditions as would have been provided if the employee had continued working. Employees do not have the right to the accrual of earned benefits during FMLA leave. If an employee takes intermittent or reduced leave, he or she has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked when such a reduction is normally based upon hours worked.

The school system may recover from the employee the cost of health insurance premiums paid on behalf of the employee while the employee was on unpaid FMLA leave if the employee does not return to work after the leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond his or her control.

P. POSTING REQUIREMENT

The superintendent or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Q. RECORDKEEPING REQUIREMENT

The human resources office shall maintain records of the following information for at least three years: basic payroll and identifying employee data, the dates (or hours) of FMLA leave taken by each employee, and premium payments of employee benefits.

Medical information, such as that relating to medical certifications, also will be maintained in the human resources office in confidential medical records.

The assistant superintendent will maintain for at least three years copies of employee notices, including general and specific notices, any other documents describing employee benefits or policies, and records of disputes between the school system and any employee regarding designation of FMLA leave.

R. ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the school system for violations of the FMLA.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

S. OUTSIDE EMPLOYMENT/FALSIFICATION OF RECORDS

The school system may deny FMLA benefits to an employee who engages in self-employment or employment for any employer while on continuous leave if the employee fraudulently obtained FMLA leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline, which may include termination from employment.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*; Family and Medical Leave Act of 1993, as amended, 29 U.S.C. 2601 *et seq.*; 29 C.F.R. pt. 825; National Defense Authorization Act for 2008, Pub. L. 110-181 sec. 585; *North Carolina Public Schools Benefits and Employment Policy Manual*, N.C. Department of Public Instruction (current version)

Cross References: Leave (policy 7510)

Adopted: February 21, 2011

Revised: June 27, 2013; August 8, 2022; April 2,2024

Reviewed: December 13, 2021

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy, the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), and Article 16 of Chapter 127A of the North Carolina General Statutes.

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment.

A. NOTICE AND DOCUMENTATION REQUIREMENTS

1. Employees must provide to the superintendent advance written or oral notice of any absences due to military obligations, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable.

2. For leave periods exceeding 30 days, the employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

B. SHORT-TERM MILITARY LEAVE WITH PAY

1. In accordance with State Board of Education policy, an employee who is a member of a reserve component of the U.S. Armed Forces may take up to 15 workdays of paid military leave for active duty training per federal fiscal year, which runs from October 1 through September 30. Members of the National Guard may take additional paid leave beyond these 15 days for special state activities when so authorized by the governor.

2. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service.

C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY

1. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management in accordance with state and federal law and State Board policy. Such leave is unpaid, except as described in paragraph C.2, below. The employee may use any available eligible paid leave prior to going on unpaid leave.

2. During periods of extended military leaves, which must not exceed five years cumulatively plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary.

Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

D. REINSTATEMENT FROM MILITARY LEAVE

1. If the individual applies for reinstatement following separation from military duty, his or her reemployment and related rights are governed by the provisions of the USERRA (for members of reserve components of the U.S. Armed Forces, including members of the North Carolina National Guard returning from active federal duty, from active state duty for a period of 14 days or more, and from active state duty in response to a national emergency or major disaster declared by the President) or Article 16 of G.S. 127A (for members of the North Carolina National Guard returning from all other active state duty).

2. Employees must meet all applicable state or federal deadlines for reporting back to work or applying for reinstatement.

3. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.

E. EXPLANATION OF BENEFITS

When an employee is determined to be eligible for unpaid military leave under this policy, the superintendent or designee shall provide the employee with an explanation of his or her rights and benefits, including those related to leave, salary increases, medical insurance options, retirement status, the possibility of differential pay, and reinstatement rights.

F. COMPLIANCE WITH OTHER REQUIREMENTS

The board will follow and apply all other applicable legal requirements when administering military leave under this policy.

Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); 127A art. 16; 16 N.C.A.C. 6C .0406; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Leave (policy 7510)

Adopted: February 21, 2011

Revised: November 20, 2017; July 20, 2026

Reviewed: December 13, 2021

The purpose of voluntary shared leave is to enable employees and other authorized individuals to donate earned leave to a fellow employee or other authorized individual who has exhausted all earned leave and continues to be absent due to serious medical conditions.

Donations made pursuant to this policy are voluntary. No employee should feel pressured or coerced to participate. The donating employee may not receive compensation in any form for the donation of leave. Any employee found guilty of giving or receiving compensation may be subject to dismissal as outlined in applicable state law.

Administrative procedures in conformance with State Board of Education policies will be developed and made available in the human resources office.

Legal References: G.S. 115C-12.2, -47, -325 (applicable to career status teachers), -325.1 *et seq.* (applicable to non-career status teachers), -336; 16 N.C.A.C. 6C .0402; *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References:

Adopted: February 21, 2011

Revised: March 19, 2012; May 5, 2014; November 24, 2014; December 13, 2021; August 8, 2022

On a day that employees have the option to report for a workday but pupils are not required to attend school due to inclement weather, employees have the following options:

1. report to work;

2. take accumulated annual (vacation) leave;

3. take accumulated personal leave, if available (teachers only);

4. take leave without pay;

5. use compensatory leave already accumulated;

6. telework in accordance with policy 7503, Teleworking; or

7. make up the time missed (only with supervisor's approval). The employee and immediate supervisor must mutually agree upon a makeup time. Employees who are non-exempt under the Fair Labor Standards Act may make up missed time only if the time will be made up within the work week established by the board (see policy 7500, Workday and Overtime). Teachers and other employees who are classified as exempt under the Fair Labor Standards Act must make up the time within 120 days or before the end of their employment contract, whichever is sooner.

When the school system is closed to staff and students due to inclement weather, the board will consider options within the requirements of law for addressing the missed days, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*; G.S. 115C-84.2, -302.1, -316

Cross References: Emergency Closings (policy 5050), Workday and Overtime (policy 7500), Teleworking (policy 7503)

Adopted: February 21, 2011

Reviewed: December 13, 2021

Revised: August 8, 2022

PERMITTED SALARY DEDUCTIONS FOR ABSENCES AND DISCIPLINE OF EXEMPT EMPLOYEES

Policy Code: **7560**

The board will comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and State Board of Education policies. School employees who are classified as exempt under the FLSA must be paid on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee's work.

Subject to the exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

The board prohibits making improper deductions from the salaries of exempt employees. The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the school's leave policies.

A. DEDUCTIONS FROM PAY

1. Deductions from the pay of an exempt employee are permissible in the following circumstances:

    a. for absences of one or more full day(s) for personal reasons other than sickness or disability;

    b. for absences of one or more full day(s) due to sickness or disability if the deduction is made in accordance with the school's leave policies;

    c. to offset amounts employees receive as jury or witness fees or for military pay; or

    d. for unpaid disciplinary suspension of one or more full days imposed in good faith for workplace conduct rule infractions.

2. In addition, the board may make partial day or full day deductions from salary in the following circumstances:

    a. during the initial or final week of employment;

    b. for penalties imposed in good faith for infractions of safety rules of major significance; or

    c. for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

B. REPORTING IMPROPER DEDUCTIONS

If an employee believes that an improper deduction has been made to his or her salary, the employee should report this information to his or her direct supervisor as soon as possible. Any supervisor who receives a report of an alleged improper deduction must notify the payroll department immediately.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for the improper deduction.

If the complaining employee is not satisfied with the investigation concerning improper deductions, he or she may file a grievance pursuant to policy 1750/7220, Grievance Procedure for Employees.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*

Cross References: Grievance Procedure for Employees (policy 1750/7220), Leave of Absence (policy 7510), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540)

Adopted: February 21, 2011

Reviewed: December 13, 2021

DEFENSE OF BOARD EMPLOYEES

Policy Code: **7610**

It is generally the board's policy to provide for the defense of any civil or criminal action or proceeding brought against an employee in his or her official or individual capacity, or both, on account of an act done or an omission so long as all of the following conditions are met.

1. The act or omission occurred in the scope and course of employment.

2. Defense of the action would not create a conflict of interest between the board and the employee.

3. The employee did not act or fail to act because of fraud, corruption or malice on his or her part.

4. All potential liability insurance carriers and/or liability coverage providers have provided written notification to the employee that the carrier(s) and/or liability coverage provider(s) will not provide a defense for the employee.

In order for the board to provide for the defense pursuant to this policy, the employee must provide a written request to the superintendent as soon as possible upon learning of the claim or action and receiving written notice from all potential insurers and/or liability coverage providers pursuant to item 4 above.

The superintendent, with advice from the board attorney, shall make a recommendation to the board as to whether the board will provide legal representation for the employee. Board approval of an employee's request to provide legal representation will only relate to the initial trial or proceeding. The employee must make an additional request in writing to the board for legal representation at each subsequent stage of the appeal of the action or proceeding.

If an employee's request for legal representation in any civil or criminal action or proceeding is denied and subsequently the employee is found not to be liable or guilty, the board may reimburse the employee a reasonable attorney's fee upon written request of the employee.

To protect its own financial resources, the board will provide for sufficient liability coverage for personnel, workers' compensation coverage and unemployment compensation insurance.

By enacting this policy, the board does not intend to create any contractual rights between the board and any employee and this policy should not be construed to create any contract term or substantive right whatsoever. Further, this policy should not be construed to waive any claim of immunity that the board might otherwise be entitled to make.

Legal References: G.S. 115C-43; *Wray v. City of Greensboro*, 370 N.C. 41 (2017)
Cross References:

Adopted: February 21, 2011
Revised: December 14, 2018
Reviewed: December 13, 2021

The finance officer is authorized to make the following types of salary deductions in accordance with all applicable state and federal requirements:

1. federal income taxes (federal requirement);

2. state income taxes (state requirement);

3. federal social security taxes (state requirement);

4. North Carolina State Retirement System contributions (required by G.S. 135-8);

5. child support or other court-ordered payments;

6. federal, state, and local government garnishments;

7. tax sheltered (deferred) annuities, 403(b) option offered by the board (authorized by G.S. 115C-341), and/or 403(b) option offered through the North Carolina Public School Teachers' and Professional Educators' Investment Plan (authorized by G.S. 115C-341.2);

8. Supplemental Retirement Income Plan of North Carolina, 401(k) (authorized by G.S. 135-93);

9. North Carolina 457 Plan (authorized by G.S. 143B-426.24);

10. flexible benefits plan (authorized by G.S. 115C-341.1);

11. North Carolina State Employees Credit Union deductions (authorized by G.S. 115C-342);

12. group insurance premiums (authorized by G.S. 115C-340, -342);

13. a 12-month pay option for 10- and 11-month employees (authorized by G.S. 115C-302.1(b) and -316(a)(2));

14. dues or contributions to employees' associations that meet the minimum membership requirements as described in G.S. 143B-426.40A(g);

15. other deductions as may be required by law or approved by the board (additional possible deductions include dues for employees' associations not meeting the minimum membership requirements described in statute or donations to charities); and

16. recoupment of advancement or overpayment of wages.

The superintendent or designee shall make information available to all employees regarding

possible payroll deductions and any procedures or requirements for particular types of deductions. Any employee who would like the board to consider additional salary deductions should contact the superintendent, who shall review such requests and make recommendations to the board.

Legal References: G.S. 115C-302.1(b), -316(a)(2), -339 to -342; 135-8, -93; 143B-426.24, -426.40A(g), (i)

Cross References:

Adopted: February 21, 2011

Revised: November 16, 2020; August 8, 2022

Reviewed: December 13, 2021

The board supports the practice of bringing employees back to work after a work-related injury or illness as soon as they are medically able in order to enhance the employees' recovery while minimizing the impact of work-related injuries on school system operations.

The superintendent is directed to establish a return to work program that is consistent with federal and state law, board policy, and State Board of Education requirements. The objectives of the program will be to:

1. assist employees who are recovering from a work-related temporary injury or illness to safely return to full duty without restrictions at the earliest possible time;

2. assist recovering employees who have temporary work restrictions to return to a temporary, time-limited transitional work assignment of modified or alternate duties approved by the authorized health care provider, when practicable and in the best interests of the school system to do so;

3. assist employees with permanent work restrictions to find available suitable employment within the school system; and

4. maintain close communication, coordination, and cooperation between the employee, school system representatives, and others working to expedite the employee's recovery and return to work.

The superintendent shall provide specific procedures to guide all employees in carrying out the return-to-work program. All supervisory employees are expected to fully comply with the program procedures and to assist in meeting the program's objectives. Employees experiencing work-related injuries or illnesses shall fulfill all responsibilities assigned to them under the return-to-work program and shall fully comply with the applicable requirements of the North Carolina Workers Compensation Act.

If an employee refuses an approved transitional duty assignment or other suitable employment offered under this policy or under the return-to-work program required by this policy, the superintendent or designee shall notify the workers' compensation administrator who may apply to terminate the employee's workers' compensation benefit payments in accordance with the North Carolina Workers' Compensation Act. In addition, the employee will be subject to disciplinary action to the extent consistent with law.

This policy and any procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to a transitional duty assignment, nor will they be construed as recognition by the school system that any employee who participates in the return-to-work program has a disability as defined by the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or the North Carolina Persons with Disabilities Protection Act. Furthermore, nothing in this policy

shall be construed to require the superintendent to create an employment position for an employee returning to work with restrictions that prevent the employee from completing the essential functions of his or her previous position.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. Part 35; Family and Medical Leave Act of 1993, 29 U.S.C. 2601 *et seq.*, 29 C.F.R. Part 825; Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, 34 C.F.R. Part 104; North Carolina Persons with Disabilities Protection Act, G.S. ch. 168A; North Carolina Workers' Compensation Act, G.S. 97, art. 1; 115C-12(43), -337; State Board of Education Policy INSR-001

Cross References: Family and Medical Leave (policy 7520)

Adopted: November 20, 2017

Revised: December 13, 2021

EMPLOYEE TRAVEL AND OTHER EXPENSE REIMBURSEMENT

Policy Code: **7650**

The board may reimburse employees for reasonable and necessary travel and other expenses incurred while performing school system business. All employee requests for reimbursement for travel or other expenses are subject to this policy. The superintendent and finance officer are responsible for developing and disseminating forms for requesting travel and other expense reimbursement, for maintaining and disseminating current information concerning applicable reimbursement rates, and for establishing any procedures or regulations necessary to implement this policy.

A. EMPLOYEE RESPONSIBILITY FOR CONTROLLING TRAVEL EXPENSES

The board intends that its employees who are required to travel do so in reasonable comfort. All employees traveling on school system business are expected to exercise good judgment in distinguishing between reasonable comfort and extravagance and to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Reimbursement will not be approved for excess costs or additional expenses that are for the convenience or personal preference of the employee. Unless specifically approved by the board in advance, unauthorized expenses include, but are not limited to, alcohol or tobacco, entertainment activities (e.g., sporting events, pay TV, movies), personal services (e.g., spa, laundry), personal items (e.g., toiletries, magazines, souvenirs), supplemental insurance on rental cars, fines for traffic violations, and meals, lodging, or other expenses for spouses, children, guests, or pets. Employees are responsible for being aware of applicable reimbursement rates and any other limitations established by the superintendent or finance officer prior to travel.

B. APPROVAL FOR TRAVEL

Out-of-county travel by any employee except the superintendent must receive prior written approval of the employee's supervisor on the designated travel authorization form. Out-of-state travel also requires the superintendent's prior written approval. The superintendent's travel, whether out-of-county or out-of-state, must receive prior approval from the board chair on the designated travel authorization form. The request for approval must include an estimate of the anticipated cost of the travel and related expenses. Travel requests that exceed the amount budgeted for such purposes will be denied.

C. REIMBURSEMENT FOR TRAVEL EXPENSES

Employees may request reimbursement of actual expenses for mileage, meals, lodging, and other business-related expenses, such as conference registration fees and parking fees, incurred on approved trips for official school system business. Travel that does not directly benefit the school system is not reimbursable.

The reimbursement rates for mileage, meals, lodging, and other travel expenses will be in accordance with those established for state employees. Reimbursements will not exceed the annual budget allocated to the respective employee or department. All reimbursements are contingent upon funds available.

All claims for reimbursement of travel expenses must (1) include a copy of the approved travel request form; (2) be in writing, itemized, and supported with original receipts, except that no receipt is required for meals that will be reimbursed at the state-approved flat rates; (3) document the official school business purpose for which the expenses were incurred; (4) include a copy of the agenda if the travel was to a conference, meeting, or similar event; (5) be signed by the employee; and (6) be approved by the employee's supervisor, or in the case of the superintendent, by the board chair. If reimbursement is to be paid from federal funds, documentation of the business purpose must include the reason the claimant's travel is necessary to the federal program. All claims must be submitted in accordance with any additional requirements, procedures, or deadlines established by the superintendent or finance officer.

In extenuating circumstances, such as when lodging is not reasonably available at the state-approved rate, authorization for reasonable costs in excess of the state-approved rates may be approved by the employee's supervisor and the superintendent or designee, or in the case of the superintendent, by the board chair.

D. ADVANCEMENT OF TRAVEL EXPENSES

The board discourages providing an advance travel allowance to employees. In extraordinary circumstances, an advancement of funds not to exceed the estimated travel expense with a limit of $500 for an approved trip may be made to an employee provided the employee makes a written request no later than one month prior to the departure date. The request must be approved by the employee's supervisor and the superintendent or designee except that advances for the superintendent must be approved by the board chair. The advance will be forwarded to the employee no sooner than five working days before the scheduled departure date.

Funds advanced may be used only for expenses that are otherwise reimbursable and documented in accordance with this policy. Upon return from the trip, the employee must provide a reconciliation of the actual expenses incurred as compared to the amount advanced in accordance with procedures and any applicable deadline established by the finance officer. The employee shall be responsible for returning any funds advanced in excess of the employee's documented reimbursable trip expenses.

An employee who fails to file a complete reconciliation by the applicable deadline or who does not return travel funds owed to the school system may be subject to disciplinary action and/or to recovery actions for the amount owed.

E. CANCELLED TRIPS

If an employee cancels a trip for which (1) a travel advance has been extended, (2) trip-related expenses have been prepaid by the school system, or (3) a penalty or charge resulting from the cancellation is incurred, the employee is responsible for reimbursing the school system for all funds advanced or expended by the school system as a result of the cancellation unless otherwise approved by the superintendent or designee. Failure to reimburse the school system as required may result in disciplinary action and/or actions to recover the amounts owed.

F. MILEAGE REIMBURSEMENT FOR USE OF PERSONAL VEHICLE

Employees who use their personal vehicle to travel in the performance of their official job duties will be reimbursed at the rate for state employees for mileage incurred when traveling for job-related activities, subject to budgetary limitations. The superintendent may establish criteria for determining which employees are eligible for this mileage reimbursement. Reimbursement will not be authorized for travel between the employees' residence and the first or last scheduled stop of the day.

Mileage reimbursement requests for all employees except the superintendent must be approved by the employee's immediate supervisor and submitted as directed by the finance officer or superintendent. The superintendent's mileage reimbursement requests must be approved by the board chair and submitted to the finance officer at least quarterly.

G. REIMBURSEMENT OF OTHER BUSINESS EXPENSES

Employees purchasing merchandise or other items on behalf of the school system with personal funds must have prior approval of their supervisor and may be reimbursed for reasonable costs, up to a limit of $50. Expenses of greater than $50 must be approved in advance by the superintendent or designee, or in the case of the superintendent, by the board chair. Requests for reimbursement must follow the procedures established by the finance officer. All requests for reimbursement must be accompanied by a statement of the business purpose for the expense and a detailed receipt. Employees who are authorized to use school system procurement cards will not be reimbursed for purchases made using personal funds without prior approval of the superintendent or designee.

H. RESPONSIBILITY FOR MONITORING COMPLIANCE WITH THIS POLICY

The superintendent is responsible for monitoring employee compliance with this policy. The superintendent's expenditures for travel and other expenses will be reviewed at least quarterly by the board chair.

Legal References: G.S. 115C-36, -47(21), 138-6; 2 C.F.R. 200.474

Cross References: Board Member Compensation and Expenses (policy 2130)

Other References: *North Carolina Budget Manual*, Section 5 (Office of State Budget and Management), available at https://www.osbm.nc.gov/library

Adopted: September 19, 2016 (Effective October 1, 2016)

Revised: December 13, 2021

MEMBERSHIP
IN PROFESSIONAL ORGANIZATIONS

Policy Code: **7710**

Every employee will have the right to freely join and support any professional organization. The board and administration of the school system will not attempt to influence a teacher's or other employee's decision as to whether to join any organization or association.

School personnel should not participate in membership activities while school is in session for students or while they are expected to be performing job-related duties unless specifically authorized by the principal.

Legal References: U.S. Const., amend. I; G.S. 115C-36, -47; 16 NCAC 6C.0404, .0405

Cross References:

Adopted: February 21, 2011

Reviewed: December 13, 2021

The employee's right of citizenship, involving registering, discussing political issues, voting, campaigning for candidates or issues, running for or serving in public office, and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system.

These political activities must not:

1. take place during school time;

2. involve school monies or materials; or

3. make use of an official school position to encourage or to coerce students or other employees of the system to support in any way a political party, candidate, or issue.

As specified in policy 2220, Official School Spokesperson, the chairperson of the board or designee and the superintendent or designee are the official spokespersons for the school system. Employees, when exercising their rights as citizens, should take steps to ensure that their personal political opinions are not erroneously attributed to the school board or the school system.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting.

Legal References: G.S. 115C-47(18)

Cross References: Official School Spokesperson (policy 2220)

Adopted: September 13, 1999

Reviewed: February 21, 2011

Revised: February 6, 2017; December 13, 2021

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

A. CONTRACTS WITH THE BOARD

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;

3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or

4. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

B. MISUSE OF INFORMATION

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or

2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

C. NON-SCHOOL EMPLOYMENT

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;

2. work of any type in which the sources of information concerning customer, client, or employer originate from any information obtained through the school system;

3. work of any type that materially and negatively affects the educational program of the school system;

4. any type of private business using system facilities, equipment, or materials, unless prior approval is provided by the superintendent; or

5. any type of private business during school time or on school property, unless prior approval is provided by the superintendent.

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

D. RECEIPT OF GIFTS

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value ($50 or less) and (1) are instructional products or advertising items that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

E. TRAINING

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws.

As required by G.S. 115C-335.15, employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts of interest and ethical standards of conduct. The training must be provided by qualified sources approved by the board.

F. VIOLATIONS

Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 133-32, -33; 115C-47(17a), -47(18), -335.15; 133-32; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Recruitment and Selection of Personnel (policy 7100), Federal Grant Administration (policy 8305)

Adopted: November 23, 2015

Revised: December 14, 2018; December 13, 2021; April 2, 2024

TUTORING FOR PAY

Policy Code: 7732

Any employee may enter into an agreement with parents for tutoring children for a fee, but this practice must be limited to children other than those for whom the employee is currently exercising teaching, administrative, or supervisory responsibility.

Tutoring for a fee may not take place during regular school hours or on school property. School supplies may not be used in tutoring provided for a fee.

The board is not involved in setting tutoring fees. Fees should be mutually agreed upon by the parent and employee.

Each school office may maintain a list of tutors in the geographic area of the school. Any employee wanting to submit his or her name for the list may do so. The list will be made available to any person interested in securing tutoring services.

This policy will not apply to school-sponsored tutorial programs for which employees receive extended employment compensation from the school district.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-36, -47, -308

Cross References:

Adopted: June 17, 1999

Reviewed: February 21, 2011; December 13, 2021

The board recognizes that an effective staff is critical to the smooth operation of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee's performance is a critical aspect of professional growth and assistance. Further, performance evaluation data is an important factor for consideration in decisions regarding continued employment. The superintendent must be able to substantiate any recommendation for continued employment with evaluation data, among other factors.

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation, including as applicable, the processes for evaluating licensed employees in schools designated as low performing. The principal, or an assistant principal in the limited circumstances authorized by law, shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The principal shall provide teachers' access to EVAAS data as required by law and shall notify teachers at least annually when the data is updated to reflect teacher performance from the previous school year. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with the processes established by the State Board in the North Carolina Educator Evaluation System for that class of personnel. Teachers with fewer than three consecutive years of experience will be evaluated annually in accordance with state law and the comprehensive evaluation cycle established in State Board Policy EVAL-004. For teachers with three or more years of experience, the abbreviated evaluation process established in State Board Policy EVAL-004 satisfies the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal observation. In addition, in any given year, the principal may elect to use the comprehensive or standard evaluation processes set forth in State Board Policy EVAL-004 or require additional formal or informal observations to evaluate a teacher with three or more years of experience. The principal also may supplement the State Board evaluation processes for other categories of licensed personnel by requiring additional observations or other evaluation measures. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.

2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.

3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board.

4. Peer observations of teachers with fewer than three consecutive years of experience must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.

5. Supervisors and principals should facilitate open communication with employees about performance expectations.

6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.

8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

9. Evaluation data may be used in making employment decisions, including decisions related to contract renewal (see policy 7410, Teacher Contracts, policy 7425, School Administrator Contracts, and policy 7950, Non-Career Status Teachers: Nonrenewal), reassignments or transfers (see policy 7440, Assignments/Reassignments/Transfers), professional and staff development (see policy 1610/7800, Professional and Staff Development), suspension, demotion, or dismissal (see policy 7930, Professional Employees: Demotion and Dismissal), and reduction in force (see policy 7920, Reduction in Force: Teachers and School Administrators). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board's directives and to meet state requirements.

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1, -333.2; State Board of Education Policies EVAL-004 through -006, EVAL-022, EVAL-025 through -031

Cross References: Professional and Staff Development (policy 1610/7800), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Assignments/Reassignments/Transfers (policy 7440), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Reduction in Force: Teachers and School Administrators (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: June 17, 1999

Revised: February 21, 2011; November 11, 2011; June 17, 2013; October 21, 2013; May 18, 2015; February 8, 2016; June 14, 2016; February 6, 2017; November 20, 2017; August 8, 2022

Reviewed: December 13, 2021

PLANS FOR GROWTH AND IMPROVEMENT OF LICENSED EMPLOYEES

Policy Code: **7811**

The board expects all professionally licensed employees to maintain high levels of performance. If an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including placing the employee on a monitored growth, directed growth, or mandatory improvement plan when required by state law, State Board policy, or this policy, or when otherwise deemed necessary.

Growth and mandatory improvement plans as defined by law and this policy are valuable tools to promote the professional development of licensed employees. The board recognizes, however, that not all conduct and performance issues require the development of a plan. Administrators and supervisory personnel are authorized to address inappropriate conduct and/or inadequate performance using such other lawful means as they may deem appropriate. This policy should not be interpreted to limit in any way the authority of administrators or other supervisory personnel to direct and reprimand licensed employees for inappropriate conduct or inadequate performance.

Further, the superintendent may move to recommend nonrenewal, dismissal, or demotion of a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. (See policies 7930, Professional Employees: Demotion and Dismissal, and 7950, Non-Career Status Teachers: Nonrenewal.)

The superintendent shall require administrative staff to implement the requirements of this policy in accordance with state law and State Board guidelines.

A. DEFINITIONS

1. As used in this policy, "teacher" means an individual defined as a teacher in G.S. 115C-325(a)(6) (for career status teachers) or G.S. 115C-325.1(6) (for non-career status teachers).

2. As used in this policy, "licensed employee(s)" includes principals, assistant principals, and other school administrators as defined in G.S. 115C-325.1(5), and teachers.

3. "The North Carolina Educator Evaluation System" refers to the professional standards, processes, and rubrics approved by the State Board of Education for each educator role in North Carolina public schools.

B. INDIVIDUAL, MONITORED, AND DIRECTED GROWTH PLANS FOR TEACHERS

1. Use of Growth Plans for Teachers

Teachers who receive an overall rating of at least "proficient" on all standards on the North Carolina Educator Evaluation System rubric as indicated on the Summary Rating Form shall develop an individual growth plan designed to improve performance on specifically identified standards and elements.

A teacher who is performing below a proficient level on the Summary Rating Form will be placed on a monitored growth plan or a directed growth plan unless dismissal, demotion, nonrenewal, or placement on a mandatory improvement plan (see Section D, below) is warranted. A monitored growth plan developed in accordance with State Board policy is required for a teacher who is rated "developing" on one or more standards of the North Carolina Educator Evaluation System rubric. State Board policy also requires that a teacher who is rated "not demonstrated" on any standard or who is rated "developing" on any standard for two sequential years be placed on a directed growth plan. The board or superintendent may establish other criteria that will be deemed evidence that performance is below a proficient level or otherwise represents unsatisfactory or below standard performance and warrants placement on either a monitored growth plan or a directed growth plan.

Unless otherwise limited by state law or State Board policy, the principal is authorized to place a teacher on a monitored or directed growth plan or other plan of assistance at any point during the school year if the principal determines that the teacher is performing below the expected level.

2. Components of Growth Plans for Teachers

Individual growth plans may contain, but are not limited to, any of the components listed below. However, monitored or directed growth plans must include at least the following components.

a. Identification of Performance Deficiencies

All performance deficiencies, including conduct deficiencies and all specific standards and elements of the Teacher Evaluation Rubric identified for improvement during the teacher's evaluation, must be identified and addressed in the growth plan.

b. Performance Expectations and Goals

For each performance deficiency identified, the growth plan must include a statement of the expected level of performance and/or other goals to be accomplished.

c. Strategies

The growth plan must set forth a strategy or strategies designed to correct

each identified performance deficiency. The strategies should be specific and clearly state the activities the teacher should undertake to achieve the expected level of performance. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The growth plan must include dates upon which the teacher's progress under the plan will be reviewed and the date by which performance or conduct is to be improved to the expected level. Under a monitored growth plan, the teacher must achieve proficiency within one school year. A directed growth plan may provide for a shorter period to achieve proficiency, not to exceed one school year.

3. Review of Growth Plans

Individual growth plans should be reviewed at least annually with the teacher's principal or supervisor.

In the case of a teacher's monitored or directed growth plan, once the designated time period for completion of a plan has elapsed, the principal or supervisor shall review the teacher's performance, including the results of any subsequent evaluation and determine whether the teacher continues to perform below the expected level in any area or whether the teacher's performance has improved sufficiently. If the teacher's performance remains below proficient, the principal or supervisor shall recommend to the superintendent one of the following:

a. the board non-renew, dismiss, or demote the teacher, or transfer the teacher to a position in which the teacher can be successful;

b. the teacher be placed on a mandatory improvement plan in accordance with the provisions of Section D below; or

c. the teacher be moved to a new monitored or directed growth plan or continue on a previous growth plan that has been revised as necessary, provided the principal or supervisor determines that:

1) the teacher's continuing performance problems are not having an adverse impact on student learning or the school environment, or

2) the teacher is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

C. PROFESSIONAL GROWTH PLANS FOR PRINCIPALS AND ASSISTANT PRINCIPALS

1. Professional Growth Plans

   Professional growth plans will be developed for principals and assistant principals as provided in State Board policy. The professional growth plan will include mutually agreed upon performance goals and recommendations based upon the principal or assistant principal's self-assessment, the consolidated assessment, and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the principal or assistant principal and the superintendent or designee when completing the annual evaluation process. The superintendent or designee should review the professional growth plan with the employee at least annually.

2. Optional Action Plan Component to the Professional Growth Plan

   a. The superintendent may incorporate an action plan into the principal or assistant principal's professional growth plan to address performance or conduct deficiencies. The action plan must include the following:

      i. Identification of Performance Deficiencies

         All performance and conduct deficiencies identified in the employee's evaluation must be identified and addressed in the action plan.

      ii. Performance Expectations and Goals

         For each performance deficiency identified, the action plan must include a statement of the expected level of performance and/or other goals to be accomplished.

      iii. Strategies

         The action plan must set forth a strategy or strategies designed to correct each identified performance or conduct deficiency. The strategies should be specific and clearly stated and should identify all individuals responsible for implementing the plan.

      iv. Dates for Monitoring and Completion

         The action plan must include the dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level, which will be no less than 60 calendar days and no longer than the end of the current school year.

b. Upon completion of the action plan, the superintendent or designee shall reevaluate the employee and determine whether the employee continues to perform below the expected level in any area or whether the employee's performance has improved sufficiently. If the employee is within the final year of his or her contract, the reevaluation must occur prior to the statutory deadline for notice of contract nonrenewal. If the employee's performance remains below proficient, the superintendent shall either:

i. recommend that the board non-renew, dismiss, demote, or transfer the employee to a position in which the employee can be successful; or

ii. retain the employee in the current position if the superintendent determines that the employee is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable period of time. A principal or assistant principal who is retained in his or her position after demonstrating performance below proficiency on the reevaluation must be given a new action plan and reevaluated as described in subsection C.2.b, above.

D. MANDATORY IMPROVEMENT PLANS

A mandatory improvement plan is an instrument designed to improve a licensed employee's performance by providing the employee with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the employee, so that he or she may satisfactorily resolve such deficiencies within a reasonable time frame.

The use of mandatory improvement plans as provided in this policy is discretionary and will be determined on a case-by-case basis. Nothing in this policy will be interpreted so as to require the use of mandatory improvement plans in addition to, or in lieu of, growth plans or other disciplinary action, including nonrenewal or dismissal from employment as provided by law.

1. Initiating a Mandatory Improvement Plan

a. Licensed Employees in Low-Performing Schools

If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance, (ii) the superintendent recommend to the

board that the employee be dismissed, demoted (if a career teacher), or non-renewed (if the teacher is on a contract), or (iii) a proceeding for immediate dismissal or demotion be instituted against the employee for conduct or performance that causes substantial harm to the educational environment. If the individual or team that conducted the evaluation elects not to make any of the above recommendations, the individual or team evaluator shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan, to recommend nonrenewal of the employee's contract, or to recommend a dismissal proceeding.

b. Teachers in Schools Not Identified as Low-Performing

If, in an observation report or year-end evaluation, a teacher in a school not identified as low-performing receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the employee on a mandatory improvement plan. The mandatory improvement plan will be utilized only if the superintendent or designee determines that an individual, monitored or directed growth plan would not satisfactorily address the deficiencies.

c. Any Licensed Employees Engaging in Inappropriate Conduct or Performance

A principal may recommend to the superintendent or designee that a licensed employee be placed immediately on a mandatory improvement plan if the employee engages in inappropriate conduct or performs inadequately to such a degree that the conduct or performance causes substantial harm to the educational environment, but immediate dismissal or demotion of the employee is not appropriate. The principal must document the exigent reason for immediately instituting such a plan.

2. Components of the Plan

A mandatory improvement plan for any licensed employee must include the following components.

a. Identification of Performance Deficiencies

The performance or conduct areas in which the employee is deficient must be identified and addressed in the mandatory improvement plan.

b. Performance Expectations

For each performance or conduct deficiency identified, the plan must

include a statement of the expected level of performance.

c. Strategies

The plan must establish a strategy or strategies designed to correct each identified performance or conduct deficiency. The strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance or conduct and the specific support to be provided to the employee. The strategies also should identify all individuals responsible for implementing the plan.

d. Dates for Monitoring and Completion

The plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level.

3. Development and Implementation of the Plan

a. Licensed Employees in Low-Performing Schools

When directed by the superintendent, a mandatory improvement plan to improve the performance of a licensed employee will be developed by the person who evaluated the licensed employee or the employee's supervisor, unless the evaluation was conducted by an assistance team. If the evaluation was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans will be designed to be completed within 90 instructional days or before the beginning of the next school year.

b. Teachers in Schools Not Identified As Low-Performing

When a principal decides to put a teacher on a mandatory improvement plan, the principal shall develop the plan in consultation with the teacher. The teacher shall have five instructional days after receiving the plan to request a modification to the plan before it is implemented. The principal must consider the requested modification before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan.

A teacher has five workdays after finalization of the mandatory improvement plan within which to submit a request to the principal for a qualified observer, as defined in G.S. 115C-333.1(c)(1), to observe the teacher in the area or areas of concern identified in the plan. In accordance with G.S. 115C-333.1(c)(2), the board will create and maintain

a list of qualified observers who are employed by the board and available to conduct observations. The board will strive to limit the list to administrators and teachers who have excellent reputations for competence and fairness. Selection of the qualified observer and submission of the qualified observer's report to the principal will be in accordance with G.S. 115C-333.1(c)(3).

4. Reassessment

a. Licensed Employees in Low-Performing Schools

After the expiration of the time period for the mandatory improvement plan, the superintendent or designee or the assistance team shall assess the employee's performance. If the assessor determines that the employee has failed to become proficient in any of the performance or conduct standards articulated in the mandatory improvement plan or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed, demoted, or non-renewed under applicable state law, or that the employee be immediately dismissed for conduct or performance that causes substantial harm to the educational environment.

b. Teachers in Schools Not Identified As Low-Performing

Upon completion of a mandatory improvement plan, the principal or supervisor shall assess the performance of the employee. The principal shall also review and consider any report provided by the qualified observer if one has been submitted before the end of the mandatory improvement plan period. If, after the assessment of the employee and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any of the performance or conduct standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the employee be dismissed, demoted, or non-renewed under applicable state law or that the employee be immediately dismissed for conduct or performance that causes substantial harm to the educational environment.

Legal References: G.S. 115C-325 (applicable to career status teachers), -325.1 *et seq*. (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies EVAL-004, EVAL-005

Cross References: Professional and Staff Development (policy 1610/7800), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: November 20, 2017
Reviewed: December 13, 2021

EVALUATION OF NON-LICENSED EMPLOYEES

Policy Code: **7815**

The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their growth and development throughout their careers. Evaluations of non-licensed employees' performance must conform to the following board directives.

1. Exemplary performance as well as deficiencies in performance should be clearly identified.

2. Supervisors and principals should facilitate open communication with employees about performance expectations.

3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

4. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

5. Evaluation data may be used in making employment decisions, including decisions related to promotions, reassignments, or transfers (see policy 7440, Assignments/Reassignments/Transfers), suspensions or dismissals (see policy 7940, Classified Personnel: Suspension and Dismissal), and reductions in force (see policy 7921, Classified Personnel Reduction). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

6. The superintendent and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out these board directives.

Legal References: G.S. 115C-47(18), -333.1

Cross References: Assignments/Reassignments/Transfers (policy 7440), Personnel Files (policy 7820), Classified Personnel Reduction (policy 7921), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: February 21, 2011
Revised: November 1, 2011; August 8,2022
Reviewed: December 13, 2021

Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

A. RECORDS MAINTAINED

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;

2. commendations for and complaints against the employee (see Section C);

3. written suggestions for corrections and improvements made by the administration;

4. certificates;

5. employee's standard test scores;

6. employee's academic records;

7. application forms;

8. any request to the State Board of Education to revoke the employee's teaching license; and

9. other pertinent records or reports.

B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY

The following employee information must be kept separate from the employee's general personnel information, in accordance with legal and/or board requirements.

1. Pre-Employment Information

   Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee's general personnel information and must not be made available to the employee.

2. Criminal Record Check

   Data from a criminal history check must be maintained in a locked, secure location separate from the employee's personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

   Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

   a. health certificates (see policy 7120, Employee Health Certificate);

   b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);

   c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);

   d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and

   e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

   The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures, and 4329/7311, Bullying and Harassing Behavior Prohibited).

If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

C. PLACEMENT OF RECORDS IN PERSONNEL FILE

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee's central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;

2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and

3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented

to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

D. ACCESS TO PERSONNEL FILE

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days' notice is given to the human resources office.

2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:

    a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;

    b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;

    c. the board attorney;

    d. the superintendent and other supervisory personnel;

    e. the hearing officer in a demotion or dismissal procedure regarding the employee; and

    f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days' written notice will be given to the employee prior to such disclosure.

3. No other person may have access to a personnel file except under the following circumstances:

    a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;

    b. pursuant to a subpoena or court order;

c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board; or

d. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

4. Each request for consent to release records must be handled separately.

5. It is a criminal violation for an employee or board member to do either of the following:

a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or

b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;

2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;

3. whether the teacher is teaching in the field of discipline of his or her certification; and

4. the qualifications of any paraprofessional providing services to the student.

F. PUBLIC INFORMATION

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public:

a. name;

b. age;

c. the date of original employment or appointment;

d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;

e. current position;

f. title;

g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);

h. the date and amount of each increase or decrease in salary with the board;

i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;

j. the date and general description of the reasons for each promotion with the board;

k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and

l. the office or station to which the employee is currently assigned.

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.

3. Volunteer records are not considered public records.

4. Under no circumstances will the following be released pursuant to a public records request or as part of any employee directory:

a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or

b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

G. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); 34 C.F.R. 200.61; G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-1209.11; 16 N.C.A.C. 6C .0313

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sex Discrimination – Prohibited Conduct and Grievance Procedures (policy 1725/4035/7236), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

Adopted: February 6, 2017
Revised: December 13, 2021; April 2, 2024; August 19, 2024

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PETITION FOR REMOVAL OF PERSONNEL RECORDS

Policy Code: **7821**

Any employee may petition the board of education to have removed from his or her personnel file any information that the employee believes to be invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

1. The petition must be in writing, signed by the employee, and submitted to the assistant superintendent of human resources.

2. The petition must identify the specific information in question and the reasons for claiming it is invalid, irrelevant, or outdated.

3. The written petition and the information in question, together with a recommendation from the superintendent or designee, must be submitted by the administration to a panel of the board consisting of not less than two members appointed by the chairperson.

4. The board panel must review the petition and the information in question and may make a decision including, but not limited to, the following:

    a. deny the request for removal;

    b. make a specific finding that the information in question is "invalid, irrelevant, or outdated" and instruct the superintendent to remove the information in question from the employee's personnel file;

    c. make a specific finding that the information in question is "invalid, irrelevant, or outdated", but decide to leave the information in question in the employee's personnel file and add to the personnel file a copy of the petition, the superintendent's recommendation, and the panel's findings;

    d. request more written information from the petitioner and/or the person who submitted the information in question for placement in the petitioner's personnel file;

    e. schedule a hearing to allow both parties to present additional information; or

    f. such other appropriate action as the panel may deem proper.

5. The decision of the panel will constitute the decision of the full board.

Legal References: G.S. 115C-36, -47, -325(b) (applicable to career status teachers), -325.2 (applicable to non-career status teachers)

Cross References:

Adopted: February 21, 2011

Revised: May 5, 2014

Reviewed: December 13, 2021

A. PROFESSIONAL EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires 30 days' notice unless the superintendent consents to a shorter notice period.

If a teacher has not been recommended for dismissal but fails to meet the notice requirements and the superintendent does not consent to a waiver of notice, the superintendent shall inform the board and recommend to the board whether a request should be made to the State Board of Education to revoke the teacher's license for the remainder of the school year. The superintendent shall place a copy of the request in the teacher's personnel file.

The superintendent must notify the State Board of Education if a teacher's criminal history is relevant to the teacher's resignation, regardless of whether the teacher gave adequate advance notice of resignation.

If a teacher who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee's license.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for a teacher's resignation, the superintendent or designee shall indicate if the teacher's criminal history was relevant to the resignation.

B. CLASSIFIED EMPLOYEES

To help ensure the smooth operation of the schools, classified employees who plan to resign for any reason are encouraged to provide 30 days' notice whenever possible.

C. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be

accepted, on behalf of the board, by the superintendent or designee.

Each employee who is leaving the school system may arrange to meet with any director, supervisor, or administrator to discuss his or her reasons for leaving and to identify any practices or policies that he or she feels are detrimental to the objectives of the school system. To the extent possible, statements made by employees will be confidential. However, should another North Carolina local school board, charter school, or regional school inquire as to the reason for any employee's resignation, the superintendent or designee must indicate if criminal history was relevant to the employee's resignation.

Legal References: G.S. 115C-47, -325(e) and -325(o) (applicable to career status teachers), -325.4 and -325.9 (applicable to non-career status employees), -332

Cross References: Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: July 26, 1999

Revised: February 21, 2011; March 19, 2012; May 5, 2014; November 20, 2017; December 13, 2021

RETIREMENT

Policy Code: 7910

Retirement will be in accordance with the Teachers' and State Employees' Retirement System of North Carolina. No employee will be required to retire at any age.

Any employee who anticipates retirement should notify the director of personnel at least 90 days prior to his or her intended retirement date, except in cases where health or other extenuating circumstances make shorter notices necessary.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: 29 U.S.C. 621-634; G.S. 135, art. 1

Cross References:

Adopted: October 18, 1999

Reviewed: February 21, 2011; December 13, 2021

REDUCTION IN FORCE: TEACHERS AND SCHOOL ADMINISTRATORS

Policy Code: **7920**

The purpose of this policy is to establish an orderly procedure for a reduction in force. This policy applies to (1) employees with career status and (2) all other teachers and school administrators, as defined in the relevant statutes, during the terms of their contracts. A reduction in force among any other employees will be accomplished in accordance with policy 7921, Classified Personnel Reduction, or, as applicable, in accordance with any conflicting terms of an individual employee's contract.

A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions held by employees to whom this policy applies.

1. System Reorganization

   System reorganization is defined as (a) the closing, consolidation, or reorganization of schools, school buildings, or facilities; (b) the elimination, curtailment, or reorganization of a curriculum offering, program, or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

   Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

   Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

B. PRELIMINARY DETERMINATION

1. The superintendent shall determine whether or not a reduction in force for employees subject to this policy is necessary, appropriate, or in the best interests of the school system.

2. If the superintendent decides to recommend to the board a reduction in force, he or she shall first determine which positions shall be subject to the reduction. In making that determination, the superintendent shall account for both:

    a. structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (1) less essential, duplicative, or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations, or other services; and

    b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

3. The superintendent shall then present a recommendation to the board. The recommendation must include:

    a. the grounds for a reduction in force;

    b. the positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

    c. the background information, data, and rationale for the recommendation.

4. The board will review the superintendent's recommendation and will determine whether to reduce the number of employees or to reduce their terms of employment.

5. If the board, after exploring, considering, and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of employees subject to this policy is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted, or reduced to part-time employment, based on the criteria set forth below.

C. CRITERIA

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors in determining which employees will be included in the reduction in force, including the following:

1. work performance and evaluation ratings;

2. areas of licensure;

3. program enrollment;

4. service in extra duty positions and ability to fill such positions;

5. length of service, with higher priority given to service in this school system; and

6. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

D. PROCEDURE FOR TERMINATION

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 (for teachers with career status) and 115C-325.6 (for non-career status teachers) will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any teacher with career status (as defined in G.S. 115C-325) or teacher or administrator (as defined in G.S. 115C-325.1) is terminated, demoted, or reduced to part-time employment due to a reduction in force.

E. TERMINATION/REEMPLOYMENT OF A TEACHER WITH CAREER STATUS

When a teacher with career status is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

F. NONRENEWAL OF AN EMPLOYEE

The board, upon recommendation of the superintendent, may refuse to renew the contract of a non-career status teacher; to offer a new, renewed, or extended contract to a school administrator; or to reemploy any non-career status teacher who is not under contract for any cause it deems sufficient (see policy 7950, Non-Career Status Teachers: Nonrenewal). A decision (1) not to renew a non-career status teacher's contract, (2) not to renew, extend, or offer a new contract to a school administrator, or (3) to not reemploy any non-career status teacher who is not under contract is not considered a "termination" under this policy. In such circumstances the procedures set forth in this policy are not required to be followed before the board's decision.

Legal References: G.S. 115C-287.1, -325 (applicable to career status teachers), -325.4, -325.6 to -325.9 (applicable to non-career status teachers)

Cross References: Classified Personnel Reduction (policy 7921), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: February 8, 2016

Revised: December 14, 2018; December 13, 2021

With prior board approval, the superintendent may terminate or reduce the term of employment of classified employees in order to reduce staff. In such circumstances, the following procedure will apply:

1. The superintendent shall first reduce staff through normal attrition.

2. The superintendent shall recommend reductions in force to the board based upon the following criteria:

    a. job performance as indicated on formal evaluations and other documentation;

    b. degrees, licenses or other indications of an employee's potential to contribute and progress in the school system;

    c. seniority in the same or related positions within the system as a whole;

    d. other criteria determined to be relevant by the superintendent.

    The superintendent shall use his or her discretion in weighing these factors; however, proven job performance will be the most significant factor.

The board will approve, disapprove or modify the superintendent's recommendation for reduction in force. All employees affected by the reduction will be notified in writing of the board's decision. Such notice must include information regarding the opportunity for any employee terminated pursuant to this policy to submit his or her name for other positions as they become open. Such submission does not offer any guarantee of employment; however, a positive work experience with the school system will be favorably reviewed in regard to any application for employment.

Legal References: G.S. 115C-47

Cross References:

Adopted: February 21, 2011

Reviewed: December 13, 2021

PROFESSIONAL EMPLOYEES: DEMOTION AND DISMISSAL

Policy Code: **7930**

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. The board expects all professionally licensed employees, whether employed pursuant to a contract or through continuing career status, to exemplify above-average performance in carrying out their teaching or other professional responsibilities. Such employees are expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any professionally licensed employee who is unable or unwilling to meet the performance expectations or other reasonable standards of the board may be subject to demotion or dismissal as provided in this policy.

Evaluators of licensed employees are expected to follow policy 7810, Evaluation of Licensed Employees, policy 7820, Personnel Files, and policy 7811, Plans for Growth and Improvement of Licensed Employees. Evaluators should provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations and regardless of whether the employee has first been placed on a growth plan or mandatory improvement plan, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of employees. Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;

2. immorality;

3. insubordination;

4. neglect of duty;

5. physical or mental incapacity;

6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;

7. conviction of a felony or a crime involving moral turpitude;

8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;

9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;

10. failure to comply with such reasonable requirements as the board may prescribe;

11. any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;

12. a justifiable decrease in the number of positions due to school system reorganization, decreased enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;

13. failure to maintain one's license in current status;

14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and

15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee's dismissal, the superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 90 art. 5; 115C-287.1, -307, -325 (applicable to career status teachers), -325.1 *et seq*. (applicable to non-career status teachers), -332, -333, -333.1; 143 art. 60; 16 N.C.A.C. 6C .0502

Cross References: Professional and Staff Development (policy 1610/7800), Staff Responsibilities (policy 7300), Job Descriptions (policy 7400), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Evaluation of Licensed Employees (policy 7810), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Resignation (policy 7900), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: September 13, 1999

Revised: February 21, 2011; November 1, 2011; May 5, 2014; November 20, 2017

Reviewed: December 13, 2021

CLASSIFIED PERSONNEL: SUSPENSION AND DISMISSAL

Policy Code: **7940**

Classified positions (i.e., those that do not require an instructional or administrative license) are critical to the effective operation of the school system. The board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to communicate clearly in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands will be included in the employee's central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

A. SUSPENSION

The superintendent or designee may suspend an employee without pay as a disciplinary sanction. The superintendent shall provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has 10 calendar days from the date of receiving written notice of the superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the superintendent's decision and (2) request an appeal before the board of education regarding the decision to suspend without pay. If notice of the reason(s) for the suspension is requested, such notice must be provided prior to any board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the grounds that there was no rational basis for the suspension; the suspension was discriminatory, was used for harassment, or was otherwise unlawful; or board policies were not followed.

Upon receiving a request for an appeal, the chairperson may designate a panel of three board members to review the decision. The chairperson of the board or the panel may establish rules for an orderly and efficient hearing. The employee will be notified in writing of the decision of the board to uphold, reverse, or modify the superintendent's decision. An employee will receive back pay for any period of suspension without pay that is not upheld by the board.

B. TERMINATION

As "at will" employees who lack contract or statutory rights in their employment, employees in classified positions may be terminated on any basis that is not discriminatory or otherwise unlawful, including inadequate performance, misconduct, failure to follow board policies, or a reduction in staff. All terminations to reduce staff will be in accordance with policy 7921, Classified Personnel Reduction. All other terminations will be made pursuant to this policy. The superintendent has the authority to terminate at-will employees. The superintendent should provide written notice to the employee and the board of the decision to terminate. An employee has 15 calendar days

from the date of receiving notice of the superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the superintendent's decision and (2) request an appeal of the decision to the board of education. If notice of the reason(s) for the termination is requested, such notice must be provided prior to any board hearing on the termination. The termination is effective during the period of appeal.

Upon receiving a request to appeal the superintendent's decision to terminate, the chairperson may appoint a panel of three board members to review the decision. The employee has the burden of establishing that the termination was based on illegal discrimination or was otherwise unlawful. The superintendent may offer evidence to substantiate that the dismissal was for a reason that is not unlawful, such as prior warnings or remedial efforts.

The hearing procedures established in policy 2500, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the superintendent as soon as practicable after reaching a decision. The board may uphold the superintendent's decision or reinstate the employee for any reason it deems proper, so long as the board's reason is not discriminatory or otherwise unlawful.

Any employee who has been dismissed for cause will be ineligible for reemployment.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee's dismissal, the superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.

This policy is not intended to create any property rights or an implied or express contract between the board and the employee other than what is provided by law.

Legal References: 29 U.S.C. 621 *et seq.*; 29 U.S.C. 794 *et seq.*; 42 U.S.C. 1981; 42 U.S.C. 12101; G.S. 115C-45(c), -47, -332

Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction (policy 7921), Annual Independent Audit (policy 8310)

Adopted: September 27, 1999

Revised: June 12, 2000; March 19, 2007; February 21, 2011; May 5, 2014; November 20, 2017; December 13, 2021

NON-CAREER STATUS TEACHERS: NONRENEWAL

Policy Code: **7950**

The board may refuse to renew the contract of any non-career status teacher for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, discriminatory, prohibited by state or federal law, or for personal or political reasons.

If the superintendent decides to recommend nonrenewal of a non-career status teacher, the superintendent shall provide written notice of the recommendation no later than June 1. The teacher may, within 10 days of receipt of the superintendent's recommendation, request written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher will be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A non-career status teacher has the right to petition the board for a hearing no later than 10 days after receiving notice of the superintendent's recommendation for nonrenewal. If the teacher requests a hearing, the board chair and vice chair will confer and determine whether such a hearing will be granted. If the chair and vice chair cannot agree, a hearing will be granted. [Note: It is within the board's discretion to determine how it will decide whether to grant a discretionary hearing. This method is a suggestion, and it may be modified to incorporate the board's current practice. (The board should DELETE THIS NOTE prior to adopting the policy.)] The board will notify the teacher of its decision whether to grant a hearing.

In considering a recommendation of the superintendent to offer a teacher a new, renewed, or extended contract, the board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation. If the board determines that it needs additional information to reach a decision, it will notify the teacher of the board's concerns and of the additional information that it is considering and provide an opportunity for the teacher to respond to the additional information.

The board will notify the non-career status teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher is granted a hearing, the board will provide the nonrenewal notification within 10 days of the hearing or such later date upon the written consent of the superintendent and teacher.

Non-career status teachers may be demoted or dismissed during the terms of their contracts only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

Legal References: G.S. 115C-45(c), -325.1 *et seq*.

Cross References: Hearings Before the Board (policy 2500), Teacher Contracts (policy 7410), Reduction in Force: Teachers and School Administrators (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: June 14, 2016

Revised: December 13, 2021

The board is committed to obtaining, managing, and using financial resources to support a system of free public schools and to further the educational goals of the board and the State. All decisions regarding the use of financial resources will be consistent with the board's objective of providing all students with a sound basic education, as required by law.

Legal References: G.S. 115C-36, -47, -427, -431, -432; *Leandro v. State,* 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), Goals and Objectives of the Educational Program (policy 3000)

Adopted: February 8, 2016

Reviewed: January 24, 2022

Budget planning and preparation are critical to the development of a budget likely to further the educational goals of the board and the State and to provide for the smooth operation of the school system.

A. ELEMENTS OF BUDGET PLANNING

The budget planning for the board and administration will include:

1. establishing the priorities of the school system, recognizing that providing students the opportunity to receive a sound basic education and improving student success will always be of paramount concern;

2. considering long-range facilities plans, goals, and objectives as established by the board and school system staff when assessing the needs of the school system;

3. integrating budget planning into program planning so that the budget may effectively support and implement all programs and activities of the school system;

4. seeking opportunities to communicate with the county commissioners about needs on a regular basis, especially with regard to capital outlay;

5. seeking broad participation by administrators, teachers, and other school system personnel and citizens;

6. exploring all practical and legal sources of income;

7. continually assessing the needs, revenues, and expenses of the school system; and

8. identifying the most cost-effective means of meeting the school system's needs.

B. PROCESS

By January 31 of each year, the superintendent shall submit to the board a calendar outlining the steps to be followed and the target dates for development of the budget for the next fiscal year. The superintendent shall prepare a proposed annual budget and submit it with his or her budget message to the board no later than May 1.

On the same day that the proposed budget is submitted to the board, the superintendent shall file a copy of it in his or her office, where it will remain available for public inspection until the budget resolution is adopted.

The board may hold at least one public hearing on the proposed budget prior to final action.

The board will consider the proposed budget and make such changes therein as it deems advisable. The board will submit the entire budget as approved by the board to the board of county commissioners no later than May 15, or such later date as may be fixed by the board of county commissioners.

Legal References: G.S. 115C-47, -426.2, -427, -428, -429; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: February 8, 2016

Reviewed: January 24, 2022

BUDGET RESOLUTION

Policy Code: 8110

Through the budget resolution, the board appropriates sums it determines are sufficient and proper for the budget year. The board will provide maximum flexibility to schools in the use of funds to enable the schools to accomplish their student performance goals. The school district will not expend any monies, regardless of their source, except in accordance with the budget resolution adopted by the board.

ADOPTION OF RESOLUTION

Once the board of county commissioners has appropriated money to the local current expense fund and capital outlay fund, the board may determine whether such funds are sufficient. If the board determines that the appropriation is insufficient, the board may utilize the procedure provided by law for resolution of disputes between a board of education and a board of county commissioners.

After the board of county commissioners has appropriated funds and after the conclusion of any dispute regarding the appropriation, the board of education will adopt a budget resolution in conformance with all legal requirements. The budget resolution will be entered in the minutes of the board. Within five days after adoption, copies will be filed with the superintendent, the school finance officer and the county finance officer.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-105.25, -425, -431, -432, -433

Cross References:

Adopted: March 13, 2000

Reviewed: March 21, 2011; January 24, 2022

GRANTS AND FUNDING FOR SPECIAL PROJECTS

Policy Code: **8210**

To fulfill the educational goals of the board, the board will seek as many sources of revenue as possible. Where appropriate, the superintendent is directed to seek public and private grants and funding for special projects as a source of supplemental funding. Employees also are encouraged to learn about special funding opportunities and to participate in the development of proposals to obtain the funding.

All applications for grants or specially funded projects must be consistent with the educational goals of the board. Contracts with non-governmental funding entities must be consistent with G.S. 147, art. 6E and art. 6G.

When required by the funding agency, the proposals will be presented for board approval. The board must be notified of all funds awarded.

The superintendent shall establish any procedures necessary to develop an efficient and effective process for seeking special funding.

Legal References: G.S. 115C-36, -47; 147 art. 6E, art. 6G

Cross References: Federal Grant Administration (policy 8305)

Adopted: April 13, 1987

Revised: March 13, 2000; March 21, 2011; June 14, 2016; November 20, 2017

Reviewed: January 24, 2022

The board encourages individuals and organizations to consider making a donation of real property, personal property, or funds to the school system. Donations, whether in the form of a gift or a bequest, foster community support for the schools and improve the school system for the benefit of students and others. As an expression of the board's gratitude, the superintendent shall provide for the appropriate recognition of donors.

A. SUITABILITY OF DONATIONS

The superintendent shall evaluate any donation offer in order to determine whether the donation is suitable for the school or the school system. Donations may not conflict with the school system's educational mission. In determining the suitability of a donation intended to benefit any program that is appropriately segregated by gender, such as a school athletic program, the superintendent must consider equity and Title IX issues in relation to overall funding and opportunities for participation.

Donations of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property. The superintendent also must consider any safety hazards associated with gifts of real or personal property. Donations must not impose any undue financial burden or obligation on the school system. Any donation that includes advertisements must be consistent with policy 5240, Advertising in the Schools, and the food and beverage marketing requirements of policy 6140, Student Wellness.

For computer equipment or other technological resources, the superintendent shall ensure that such items are compatible with minimum hardware and software standards set by the technology director. Any donation from an E-rate service provider must comply with gift rules applicable to federal agencies.

B. ACCEPTING DONATIONS

Upon receiving an offer of a donation to the school, a principal must give the superintendent written notification that states the nature of the donation and the purpose for which it is donated. The principal does not have the authority to accept donations to the school.

The superintendent may accept donations up to $25,000.00 on behalf of the board. The superintendent shall report any accepted donations of more than a nominal value at the next board meeting. The board reserves the right to determine in each particular case the appropriateness of a donation and may accept or reject a donation as the board sees fit.

The superintendent shall make a recommendation to the board on the suitability of any donation with a value that exceeds $25,000.00. After considering the superintendent's recommendation, the board will decide whether to accept the donation.

C. USE OF A DONATION

Unless otherwise specified in a written agreement approved by the board, any accepted donation becomes the permanent property of the school system. Anything purchased with donated funds, including funds raised through a crowdfunding campaign, project, or platform, become the property of the school system, and the title to such property vests in the board. If the board at any time determines that property donated, or acquired with donated funds, is unnecessary or undesirable for public school purposes, the board may dispose of such property in accordance with state law.

A donor may request that a donation be designated for a particular purpose. However, the board reserves the right to utilize the donation as it deems appropriate. Any donation constituting revenues will be deposited in the proper account. The specific manner in which donated funds are expended for a designated purpose will be determined under the direction of the superintendent. The board has no responsibility and makes no promises to continue any program initiated with donor contributions once the donated funds are expended.

Before installation of major donations that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights, or fences, the superintendent or designee must approve the design, location, and construction material.

Legal References: 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 115C, art. 35; 115C-36, -47, -518

Cross References: Technology in the Educational Program (policy 3220), Advertising in the Schools (policy 5240), Student Wellness (policy 6140), Crowdfunding on Behalf of the School System (policy 7360/8225)

Adopted: March 13, 2000

Revised: March 21, 2011; February 18, 2013; March 29, 2018; September 17, 2018; January 24, 2022

CROWDFUNDING
ON BEHALF OF THE SCHOOL SYSTEM

Policy Code: **7360/8225**

For purposes of this policy, crowdfunding is the practice of using online sites to solicit donations, whether monetary or in-kind, on behalf of the school system. A crowdfunding campaign is considered to be on behalf of the school system if it uses imagery or language that would lead a reasonable person to believe that (1) the school system is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the school system.

The board recognizes that crowdfunding campaigns are increasingly being used by employees to fund specific projects or programs. By aggregating donations from a broad and potentially diverse group of donors, crowdfunding has the potential to provide additional revenue and resources to classrooms and programs. Crowdfunding also has the potential to promote morale among employees by rewarding hard work and dedication.

Despite the positive aspects of crowdfunding, the unregulated use of the practice can subject the school system and the employee engaging in crowdfunding to potentially significant legal liability. The purpose of this policy is to establish a balanced approach that regulates and provides parameters for crowdfunding on behalf of the school system.

Parent organizations engaging in fundraising are subject to policy 5010, Parent Organizations, and are exempt from this policy. The board reserves the right to designate additional groups or individuals as exempt from this policy.

A. UNAPPROVED CROWDFUNDING PROHIBITED

Crowdfunding on behalf of the school system is prohibited unless undertaken by an employee with prior written approval under this policy. No action towards initiating a crowdfunding campaign on behalf of the school system may be taken until the campaign is approved in writing pursuant to this policy.

No employee or student will be compelled to initiate or participate in a crowdfunding campaign on behalf of the school system. Students are permitted to participate in publicizing an employee's approved crowdfunding campaign but are prohibited from otherwise engaging in crowdfunding on behalf of the school system. Employees or students who participate in crowdfunding on behalf of the school system are acting in their capacity as employees or students and are subject to all rules governing employee and student conduct.

Except in furtherance of an approved campaign, employees are prohibited from doing any of the following as part of a crowdfunding campaign: identifying as an employee of or stating an association with the school system; using a school system email address, school name, logo, or mascot; or linking to or referencing any school website, social media site, platform, or account associated with the school system.

Approved crowdfunding campaigns will operate in compliance with all laws and other board policies and regulations, including policies 6401/9100, Ethics and the Purchasing Function; 8210, Grants and Funding for Special Projects; and 8220, Gifts and Bequests, except as otherwise provided in this policy.

B. APPROVAL REQUEST FORM

An employee seeking approval of a crowdfunding campaign shall provide the following information on a form designated for this purpose (hereinafter referred to as the "approval request form"):

1. the employee's name, job title, school, and email address;

2. the approved crowdfunding website to be used;

3. the nature and quantity or amount of donations being requested;

4. the classroom, program, or activity to be benefitted and the educational purpose to be served;

5. the exact language that will be used in the crowdfunding campaign, as well as any graphics that will be included;

6. the start and end dates of the crowdfunding campaign; and

7. a statement of recognition by the requester that any proceeds of the campaign are school property.

The approval request form will be made available in school offices and on the school system's website.

C. PROCESS FOR APPROVAL OF REQUESTS

Notwithstanding anything to the contrary in policy 8220, Gifts and Bequests, the terms of this section control the approval of proposed online crowdfunding campaigns.

1. Review by the Principal

   To be eligible for approval under this policy, employees must submit in writing a fully completed approval request form to the principal. The principal has authority to approve proposed campaigns seeking a dollar value up to $5,000.00. Regardless of the amount sought to be donated, the principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of $5,000.00, and the principal believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the principal shall refer the proposed campaign to the superintendent or designee.

2. Review by the Superintendent

The superintendent or designee shall review referred approval request forms and seek additional information about proposed campaigns as appropriate. The superintendent or designee has authority to approve proposed campaigns seeking a dollar value up to $25,000.00. Regardless of the amount sought to be donated, the superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of $25,000.00, and the superintendent or designee believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the superintendent or designee shall refer the proposed campaign to the board.

3. Review by the Board

Only the board has the authority to approve a campaign that seeks a dollar value in excess of $25,000.00. After considering the superintendent's or designee's recommendation, the board will decide whether to approve the proposed campaign.

D. REQUIREMENTS FOR APPROVED REQUESTS

Crowdfunding requests will not be approved unless the proposed campaign:

1. meets all requirements of board policy and any applicable administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable laws;

2. uses a crowdfunding site that has been approved by the superintendent pursuant to Section E;

3. is consistent with the school system's approved curriculum;

4. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;

5. seeks donations that are compatible with the school system's technology, as

confirmed by the technology director;

6. has a specific, pre-determined beginning and ending date;

7. does not disparage the school system or any of its buildings, programs, representatives, employees, or students;

8. does not include pictures or the identifying or confidential information of any school system student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;

9. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;

10. does not result in donations being delivered directly to the requester;

11. is not contingent on the school system matching funds or making any expenditure;

12. does not request food or beverage items inconsistent with Smart Snack Standards, Section C of policy 6140, Student Wellness, or nutrition standards set by the school system or school; and

13. does not suggest or state that the donation sought is required for or integral to a student's special education program, a student's ability to achieve his or her IEP goals, or the participation of students with disabilities in any school program.

Any crowdfunding campaign that does not fully comply with the requirements of this policy is prohibited. It is the responsibility of the employee implementing an approved crowdfunding campaign to ensure that all applicable policies, regulations, and laws, including the requirements of the crowdfunding site, are followed.

The school system reserves the right to terminate any approved crowdfunding campaign or refuse any donation for any reason and at any time, including if it believes the donation was acquired in violation of board policy, regulation, or other law.

E. APPROVED CROWDFUNDING SITES

The superintendent or designee shall create a list of approved crowdfunding sites. All approved crowdfunding sites must (1) be operated by an entity with no known significant history of fraud, unlawful activity, financial mismanagement, or other misconduct and (2) have a policy requiring all donations on behalf of the school system to go directly to the school system. The superintendent or designee shall encourage the use of sites that are focused on K-12 education.

If no site meets these requirements or the superintendent or designee does not approve any sites, no crowdfunding requests will be approved.

F. PROCESSING AND ALLOCATING DONATIONS

All monetary donations will be made payable to and deposited in an individual school account where the employee is associated. If the monetary donation involves the electronic transfer of funds, the principal shall ensure that the transfer is made properly and in accordance with acceptable standards of practice. All in-kind donations must be inventoried in accordance with policy 8350, Fixed Assets Inventory, by the individual school where the employee is associated. The school finance officer shall ensure that all donations are processed in a manner consistent with the School Budget and Fiscal Control Act and any other applicable law.

All donations, regardless of their form, obtained through crowdfunding on behalf of the school system are school property. As a general matter, the employee who completed an approved crowdfunding campaign should be given preference in the use of the donations obtained. Employees shall only use donations from a crowdfunding campaign for the approved purpose stated in the campaign. The school system reserves the right to transfer donations to a different use at the board's discretion.

G. RECORDKEEPING

After donations obtained through an approved crowdfunding campaign have been utilized, the employee must file a written report with the principal detailing how the donations were used and how students benefited.

Legal References: 7 C.F.R. 210.11; G.S. 115C-36, -47; The School Budget and Fiscal Control Act, G.S. 115C, art. 31

Cross References: Technology in the Educational Program (policy 3220), Parent Organizations (policy 5010), Collections and Solicitations (policy 5220), Student Wellness (policy 6140), Ethics and the Purchasing Function (policy 6401/9100), Grants and Funding for Special Projects (policy 8210), Gifts and Bequests (policy 8220), Fixed Assets Inventory (policy 8350), Individual School Accounts (policy 8410)

Other Resources: *Crowdfunding in K-12: Developing a Vision that Informs Policy*, EdSurge Research (2019), available at https://www.edsurge.com/research/reports/crowdfunding-in-k-12-developing-a-vision-that-informs-policy; Dave Yost, *Special Report on Crowdfunding Classrooms*, Office of the Ohio Auditor of State (July 11, 2018), available at https://www.ohioauditor.gov/publications/2018%20crowdfunding%20report%20FINAL.pdf; *Crowdfunding in K-12 Education*, National School Boards Association (April 2018), available at https://www.ncsba.org/wp-content/uploads/2020/02/Crowdfunding-Best-Practices-for-School-Board-Members-NSBA.pdf

Adopted: August 17, 2020

Reviewed: December 13, 2021

Article IX, section 7 of the North Carolina Constitution requires that the clear proceeds of all penalties, fines and forfeitures accruing to the State be forwarded to the county school funds to maintain the public schools. The superintendent is directed to seek aggressively to collect all funds that the constitution requires to be directed to the public schools. The superintendent shall report periodically to the board the amount of penalties, fines and forfeitures that have been collected.

Legal References: N.C. Const. art IX, 7; G.S. 115C-433, -452, -437

Cross References:

Adopted: March 13, 2000

Reviewed: March 21, 2011

Revised: January 24, 2022

FISCAL MANAGEMENT STANDARDS

Policy Code: **8300**

In recognition of the trust and responsibility placed with the board to manage financial resources for the local educational program, the board establishes the following standards.

1. The board and all employees of the school system will manage and use available funds efficiently and effectively to meet the goals of the local board and State.

2. Effective accounting, financial reporting, and management control systems will be designed, maintained, and periodically reviewed to (a) enable the board and school system to have access to accurate, reliable, and relevant data; (b) provide assurance that school system obligations are paid in a timely manner and that accounts are not overspent; (c) provide assurance that funds and records are safeguarded at all times; and (4) permit audits and periodic reports adequate to show that those in charge have handled funds within legal requirements and in accordance with board policy.

3. The superintendent and finance officer shall keep the board sufficiently informed regarding the budget through periodic financial statements showing the financial condition of the school system, other periodic reports, and any other appropriate means so that the board can deliberate upon and evaluate the budget.

4. No moneys will be expended, regardless of the source (including moneys derived from federal, state, local, or private sources), except in accordance with the board's budget resolution or amendments to the budget resolution. The superintendent is authorized to transfer moneys from one appropriation to another within the same fund, subject to such limitations and procedures as may be prescribed by board resolution or state or federal law or regulation. Any such transfers must be reported to the board at its next regular meeting and recorded in the minutes.

5. All receipts and disbursements shall be accounted for according to generally accepted accounting principles for governmental entities.

6. Each employee responsible for handling school system funds or funds of individual schools shall comply with all applicable state and federal laws and regulations, board policies, administrative procedures, and any applicable procedures, requirements, or guidelines established by the finance officer.

7. Principals and school improvement teams must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.

Legal References: G.S. 115C-105.25, -425, -433
Cross References:

Adopted: March 13, 2000
Revised: March 21, 2011; March 29, 2018
Reviewed: January 24, 2022

The board intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

A. FINANCIAL MANAGEMENT SYSTEMS AND INTERNAL CONTROLS

The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all 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 and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

1. Allowability

   Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

3. Procurement

All purchases for property and services made using federal funds must be conducted in accordance with all applicable federal, state and local laws and regulations, the Uniform Guidance, and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, must be excluded from competing for such purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

4. Conflict of Interest

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.

A real or apparent conflict of interest exists when (1) the employee, board member, or agent of the school system, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this paragraph, "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. "Financial interest" does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

b. No employee, board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract except that (1) a single unsolicited item with a nominal value ($50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of $100 or less in a 12-month period may be accepted. Violations of this rule are subject to disciplinary action.

5. Mandatory Disclosures

The superintendent shall disclose in writing to the federal awarding agency in a timely manner all violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The superintendent shall fully address any such violations promptly and shall notify the board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements.

Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

7. Accountability and Certifications

   All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

   The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.

8. Monitoring and Reporting Performance

   The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. Performance reports, including reports of significant developments that arise between scheduled performance reporting dates, must be submitted as required by federal or state authorities.

B. AUDITS AND CORRECTIVE ACTION

1. An annual independent audit will be conducted as provided in policy 8310, Annual Independent Audit. The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.

2. At the completion of the audit, the superintendent or designee shall prepare a corrective action plan to address any audit findings. The plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.

3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

C. TRAINING

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

D. OTHER APPLICABLE BOARD POLICIES

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:

1. Educational programs policies (policies in the 3000 series)

2. School nutrition services policies (policies in the 6200 series)

3. Purchasing policies (policies in the 6400 series)

4. Equipment, materials, and supplies policies (policies in the 6500 series)

5. Personnel policies (policies in the 7000 series)

6. Fiscal management policies (policies in the 8000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

E. REPORTING MISMANAGEMENT OF FEDERAL FUNDS

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition Against Retaliation.

Legal References: 2. C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Fiscal Management Standards (policy 8300)

Other References: *Standards for Internal Control in the Federal Government ("The Green Book")* (GAO), available at http://www.gao.gov/greenbook/overview; *Internal Control Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at http://www.coso.org/ic.htm; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf

Adopted: June 14, 2016

Revised: December 14, 2018

Reviewed: January 24, 2022

TITLE I PROGRAM
COMPARABILITY OF SERVICES

Policy Code: **3565/8307**

To improve the academic achievement of educationally and economically disadvantaged children, the board will participate in the federal Title I program.

A. TITLE I MAINTENANCE OF EFFORT

The school system will maintain fiscal effort with state and local funds as required to be eligible for the receipt of funds through Title I, Part A of the Elementary and Secondary Education Act, as amended.

B. USE AND ALLOCATION OF TITLE I FUNDS

Title I funds will be used to supplement, and not to supplant, non-federal funds that would otherwise be used for the education of students participating in the Title I program. Accordingly, state and local funds will be allocated to each school receiving Title I funds in a manner that ensures that each such school receives all of the state and local funds it would otherwise receive in the absence of Title I funding.

C. COMPARABILITY OF SERVICES

State and local funds will be used in schools receiving Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds, or, if all schools receive Title I funds, to provide services that are substantially comparable in each school. The board will ensure equivalence among schools in the allocation of state and local resources for (1) teachers, administrators, and other staff, and (2) curriculum materials and instructional supplies. In addition, the board will establish and implement system-wide salary scales that are applicable to all staff whether assigned to Title I or non-Title I schools.

D. COMPARABILITY TESTING

The superintendent shall direct the Title I director, in conjunction with the finance officer, to conduct comparability testing before November 1 of each school year to assess the equivalent distribution of state and local resources among schools. The Title I director will determine annually whether to compare student enrollment to instructional staff or to instructional staff salary and also whether schools will be examined on a grade-span basis or on a school-by-school basis. The following will be excluded when determining comparability: (1) any resources paid with federal or private funds; (2) supplemental state or local funds expended for programs that meet the intent and purpose of Title I; (3) staff salary differentials for years of employment; (4) unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year; (5) state and local funds expended for language instruction programs; and (6) excess costs of providing services to students with disabilities. Comparability testing will

be completed using the forms and following the guidance created by the North Carolina Department of Public Instruction (NCDPI) for the calculation of comparability. The superintendent or designee shall submit the comparability testing report annually to NCDPI by the deadline established by that agency.

E. CORRECTION OF NONCOMPLIANCE

If comparability testing identifies any instances of variance greater than 10%, the Title I director shall notify the superintendent or designee without delay. The superintendent or designee shall promptly make adjustments as needed to ensure comparability. These adjustments may include, but need not be limited to, reallocation of materials or supplies, or reassignment of personnel.

F. DOCUMENTATION OF COMPLIANCE WITH TITLE I FISCAL REQUIREMENTS

The superintendent or designee shall provide in a timely manner any assurances, additional documentation, or other information required by the State Board of Education/NCDPI to demonstrate the school system's compliance with Title I fiscal requirements.

G. RECORDS MAINTENANCE

The superintendent or designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy, including documentation to demonstrate that any needed adjustments to staff assignments were made annually, for review by the North Carolina Department of Public Instruction or auditors upon request.

The superintendent shall ensure that all other requirements for receiving Title I funds are fulfilled in an accurate and timely manner and shall develop, or cause to be developed, any additional procedures necessary to implement this policy.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References:

Other Resources: *Non-Regulatory Guidance, Title I Fiscal Issues*, U.S. Department of Education (February 2008), available at https://www.ed.gov/sites/ed/files/2020/07/fiscalguid.pdf

Adopted: February 6, 2017

Revised: March 29, 2018; July 20, 2026

Reviewed: May 17, 2021

ANNUAL INDEPENDENT AUDIT

Policy Code: 8310

The accounts of the school district and the individual schools will be audited as soon as possible after the close of each fiscal year by an independent, qualified auditor. The auditor will be selected by the board and the terms and conditions will be specified in a written contract. The auditor will report directly to the board.

The superintendent will assist the board in providing for an annual independent audit which meets all requirements as provided by G.S. 115C-447 and any other relevant statute. All employees and agents of the school district having custody of public money or responsibility for keeping records of public financial or fiscal affairs will produce all books and records requested by the auditor and provide any information relating to fiscal affairs requested by the auditor. Any employee who fails to cooperate may be subject to disciplinary action, up to and including dismissal and also may be found guilty of criminal conduct.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-447

Cross References: Career Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: March 13, 2000

Reviewed: March 21, 2011; January 24, 2022

The board will solicit bids at least every three years from, and will designate as official depositories of the school system, one or more banks, savings and loan associations, or trust companies in North Carolina. The school system will comply with all legal requirements applicable to the deposit of funds into the school system's official depository(ies). No money will be deposited in any place other than an official depository, except as permitted by G.S. 115C-443(b), which exception relates only to certificates of deposits or such other forms of time deposits approved by the Local Government Commission.

Legal References: G.S. 115C-443, -444; 147-86.11, -86.12

Cross References:

Adopted: March 13, 2000

Reviewed: March 21, 2011

Revised: January 24, 2022; August 8, 2022

DAILY DEPOSITS

Policy Code: **8325**

Except as otherwise provided by law, all monies collected or received by an officer, employee, or agent of the school system or an individual school must be deposited in accordance with this policy. Each officer, employee, and agent of the school system or individual school whose duty it is to collect or receive any taxes or other monies shall ensure such collections and receipts are deposited daily. However, if the amount on hand is less than $1,500.00, daily deposits are encouraged but are not required. Regardless of the amount on hand, all funds must be deposited at the end of each school week and on the last business day of each month. All deposits must be made with the finance officer or designee or in an official depository. Deposits in an official depository must be reported immediately to the finance officer or individual school treasurer by means of a duplicate deposit ticket.

Unless not feasible in a particular circumstance, the finance officer shall provide for sufficient segregation of duties to ensure that the individual making a deposit is not the same individual who collects, prepares, and/or records the deposit. All moneys collected, but not promptly deposited shall be kept in a secured drawer, cabinet, or safe with access limited to an authorized officer, employee, or agent. Authorized individuals shall be kept to the minimum necessary to achieve adequate internal controls and segregation of duties as determined appropriate by the finance officer.

The finance officer may at any time audit the accounts of any officer, employee, or agent who collects or receives any taxes or other monies and may prescribe the form and detail of these accounts. The accounts of such an officer, employee, or agent must be audited at least annually.

Legal References: G.S. 115C-445

Cross References:

Adopted: March 13, 2000

Revised: September 12, 2005; March 21, 2011; March 29, 2018; October 16, 2023; January 8, 2024

Reviewed: January 24, 2022

FACSIMILE SIGNATURES

Policy Code: **8330**

The board authorizes the use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts and in signing the preaudit certificate on contracts or purchase orders. The board charges the finance officer with the custody of the necessary machines, stamps, plates, or other devices. The finance officer and the sureties on his or her official bond are liable for any illegal, improper or unauthorized use of these signature devices.

Legal References: G.S. 115C-439

Cross References:

Adopted: March 13, 2000

Revised: September 12, 2005; January 24, 2022

Reviewed: March, 21, 2011

The board will maintain insurance adequate to safeguard the school system's property and assets. Each fiscal year, the finance officer shall make recommendations to the board on the amounts and types of insurance that should be obtained, such as errors and omissions, general liability, boiler & machinery, real and personal property, auto liability, and workers' compensation. Insurance premiums will be included in the budget as a necessary expense. The finance officer will maintain custody of insurance policies and insurance programs.

If the board requires school social workers to increase their private automobile liability coverage and/or to add a business use rider in order to transport students in their private vehicles, the school will reimburse the social worker for the additional premium charged and/or for the increased liability limits or the added rider.

Legal References: G.S. 115C-36, -47, -317.1, -435, -523.1, -523.2

Cross References: Insurance for Student Transportation Services (policy 6330), Defense of Board Employees (policy 7610)

Adopted: March 13, 2000

Reviewed: March 21, 2011; March 19, 2012

Revised: January 24, 2022

A. APPLICABILITY TO CERTAIN CLAIMS

On occasion, the board of education is presented with claims against the board from students, parents or other citizens for injuries to person or property sustained while on a board property or at a school-sponsored event. The board adopts this policy in order that it may consider and process all such claims in a fair and equitable manner, taking into consideration the economic resources available to the board.

The board will only consider claims under this policy when the applicable insurance agreement and/or coverage agreement, if any, does not provide for the consideration, settlement and/or adjustment of claims prior to legal action being filed by the claimant in a court of competent jurisdiction. Upon the filing of a complaint, the board will immediately refer all claims to the appropriate insurance company or coverage provider for appropriate action.

B. PROCEDURE FOR FILING CLAIM

All claims must be made to the superintendent in writing and must include a detailed account of how the injury occurred, whether board employees were involved, and the amount of damages suffered by the claimant. The claimant should include all supporting documentation and any other information he or she believes is relevant. The superintendent or designee shall investigate the incident and, if necessary, provide supplemental information to the board.

After receiving the claim, the board, in consultation with its attorney, will determine whether to pay the claim, deny the claim or make an offer to settle the claim.

C. SETTLEMENT

In determining whether to settle a claim prior to the filing of a legal action, the board will consider the factors listed below. Before any final decision is reached, the board attorney shall ensure that these factors were considered by the board in arriving at its final decision.

1. Whether there is a reasonable possibility that the potential defense costs to be paid by the board, including an estimate of personnel time and school system resources, will exceed the amount for which the case can be settled.

2. The extent to which an employee's actions or omissions may have caused, or contributed to, an injury.

3. Whether an employee intentionally caused an injury.

4. Whether there are any affirmative defenses available to the board in the event of litigation. However, the board will not assert or consider the availability of Sovereign/Governmental Immunity for any pre-litigation claim.

5. Whether the demand is within the retention or deductible level for monetary payments pursuant to any applicable insurance or coverage agreement.

Each claim will be evaluated based upon the specific circumstances. All factors need not be given equal weight, and no one factor will be controlling.

The payment of any claim will be subject to the claimant's execution of a full release of liability in favor of the board, its employees and its agents. The release will be on a form approved by the board attorney.

By considering whether to settle a claim, the board does not waive any affirmative defenses available to it or its employees, including but not limited to the defenses of governmental, sovereign, qualified or public official immunity, or contributory negligence. The board may assert these defenses should the claimant choose to file a lawsuit.

Legal References: *Dobrowolska v. City of Greensboro*, 138 N.C. App. 1 (2000)

Cross References:

Adopted: March 21, 2011

Reviewed: January 24, 2022

Fixed asset accounting is an important part of the stewardship responsibility of school officials. It allows school officials to properly account for the financial and economic resources of the school system. An inventory control system will be established for all tangible fixed assets owned or possessed by the board of education. The superintendent shall ensure that a physical account of fixed assets is taken on an annual basis.

A. DEFINITION OF FIXED ASSETS

Fixed assets are items of tangible property, both real and personal, having a value of $5000 or more and an estimated useful life of two years or more. Fixed assets are distinguishable from intangible property, such as money or securities, and consumable tangible property, such as office supplies.

B. CATEGORIES OF FIXED ASSETS

For the purposes of accounting and inventorying fixed assets, they will be divided into the following categories.

1. Land: Real property owned in fee simple, easements, rights-of-way and leases, and other interests in land.

2. Land Improvements: Permanent improvements (excluding buildings as defined in Section 3 below) that add value to the land or improve the use of land, such as sidewalks, parking lots, driveways, fences, and drainage systems.

3. Buildings: Any permanent or portable, man-made structure owned by the board of education and used to house or shelter persons or property, including schools, offices, warehouses, garages, sheds, and similar structures.

4. Equipment: Any portable, tangible personal property not permanently affixed to real property that is owned, leased or used by the school system, including such items as machinery, tools, furniture, computers, and motor vehicles.

C. RECORDKEEPING

The superintendent shall develop an appropriate record keeping and inventory system for the school system's fixed assets.

Legal References: G.S. 58-31A-35; 115C-36, -47, -102.6A(c)(5), -529

Cross References:

Adopted: October 10, 2005

Reviewed: October 2, 2012

Revised: October 15, 2012; January 24, 2022

INDIVIDUAL SCHOOL ACCOUNTS

Policy Code: 8410

The board authorizes the maintenance of appropriate individual school accounts.

All employees and volunteers who handle checks, receipts, deposits, money, or financial records related to the individual school accounts are expected to be familiar with applicable laws and board policies.

The principal will be responsible for the proper administration of financial activities of the school in accordance with provisions of law and appropriate accounting practices and procedures.

The school treasurer will perform duties as provided in board policy 8520, School Treasurer.

The finance officer will establish procedures if necessary to help ensure that all funds are handled in accordance with law, board policy, and standards for accounting.

All accounts are subject to audit at any time by the superintendent or finance officer.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-435, -436, -445, -448

Cross References: Fiscal Management Standards (policy 8300), Daily Deposits (policy 8325), School Finance Officer (policy 8510), School Treasurer (policy 8520)

Adopted: March 13, 2000

Reviewed: March 21, 2011; January 24, 2022

A. SELECTION AND EVALUATION

The superintendent shall select and the board will approve a school finance officer. The finance officer serves at the pleasure of the superintendent. The superintendent shall evaluate the finance officer to help ensure that all duties as required by law, board policy, and/or the superintendent are met.

B. DUTIES

The school finance officer provides critical services for the effective planning and use of fiscal resources. The school finance officer shall be responsible to the superintendent for:

1. keeping the accounts of the school system in accordance with generally accepted principles of governmental accounting, board policy, the rules and regulations of the State Board of Education, and the rules and regulations of the Local Government Commission;

2. utilizing an encumbrance system for tracking obligations;

3. giving the preaudit and disbursements certificates required by G.S. 115C-441(a1) and (d1), respectively, and establishing procedures to assure compliance with the preaudit requirements;

4. approving or disapproving a disbursement, in accordance with G.S. 115C-441(b), when a bill, invoice, or other claim is presented and establishing procedures to assure compliance with all applicable legal requirements for disbursements;

5. establishing procedures, as described in 20 N.C.A.C. 03.0409(a)(3) and 20 N.C.A.C. 03.0410(a)(2), for preauditing obligations that will be incurred by electronic payment and for disbursing funds by electronic transaction;

6. ensuring that school system personnel are adequately trained about the procedures to be followed for electronic transactions;

7. signing and issuing all checks, drafts, and state warrants by the school system;

8. investing the cash balance of any funds, subject to board policy 8110, Budget Resolution;

9. receiving and depositing all moneys accruing to the school system;

10. preparing and filing a statement of the financial condition of the school system as often as requested by the superintendent;

11. preparing and filing a statement of the financial condition of the school system when requested by the board of education or the board of county commissioners, but only if such requests are in writing and copied to the superintendent;

12. providing the board a quarterly budget-to-actual statement that includes budgeted accounts; actual payments made; amounts encumbered, including electronic obligations; and the amount of the budget that is unobligated for all major funds;

13. providing a copy to the board and notice to the 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;

14. performing such other duties as may be assigned by law, by the superintendent, or by rules and regulations of the State Board of Education and the Local Government Commission;

15. submitting reports to the Secretary of the Local Government Commission as required by law;

16. receiving and accounting for all clear proceeds of fines, penalties, and forfeitures and notifying the superintendent and board of such funds;

17. reviewing school improvement plans that provide for the transfer of funds between funding allotments or lease purchase contracts;

18. evaluating all continuing contracts, including the principal and interest to be paid, and making recommendations to the superintendent and reports to the superintendent and board as provided in board policy 6425, Continuing Contracts;

19. assisting the superintendent in the development of the budget;

20. prescribing the form and detail of records maintained by the school treasurer;

21. making salary deductions as provided in policy 7620, Payroll Deductions;

22. maintaining custody of the facsimile signature device as provided in policy 8330, Facsimile Signatures; and

23. maintaining custody of insurance policy and programs as provided in policy 8340, Insurance.

C. FIDELITY BOND

The finance officer shall carry a true accounting and faithful performance bond as

provided in board policy 8530, Fidelity Bonds.

Legal References: G.S. 115C-105.25, -435, -436, -441, -442, -443, -445, -446, -448, -452, -528; 20 N.C.A.C. 03.0409, 20 N.C.A.C. 03.0410

Cross References: Preaudit and Disbursement Certifications (policy 6421), Continuing Contracts (policy 6425), Payroll Deductions (policy 7620), Budget Resolution (policy 8110), Facsimile Signatures (policy 8330), Insurance (policy 8340), Fidelity Bonds (policy 8530)

Adopted: May 18, 2015

Revised: February 8, 2016; November 20, 2017; March 29, 2018

Reviewed: January 24, 2022

SCHOOL TREASURER

Policy Code: 8520

Upon the recommendation of the superintendent, the board will appoint an employee to serve as school treasurer at each school that handles special funds.

DUTIES

The school treasurer will be responsible for:

- being familiar with and complying with applicable law and board policy;
- keeping a complete record of all moneys in his or her charge, following the form and detail prescribed by the finance officer;
- making deposits as required by law and board policy 8325, Daily Deposits; and
- performing any other duties as may be assigned by the superintendent.

Any principal, school employee, parent or other individual who has reason to believe that a school treasurer is not performing his or her duties in accordance with law or board policy will immediately notify the finance officer or the superintendent.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-448

Cross References: Daily Deposits (policy 8325)

Adopted: March 13, 2000

Reviewed: March 21, 2011; January 24, 2022

FIDELITY BONDS

Policy Code: 8530

FINANCE OFFICER

The school district will pay the premium for a true accounting and faithful performance bond with sufficient sureties to cover all funds in the school finance officer's custody except state funds placed to the credit of the school district by the State Treasurer. The board will fix the amount of the bond.

OTHER EMPLOYEES

The school district will pay the premium for a true accounting blanket bond with sufficient sureties which will cover all school treasurers and other employees who have custody of public school money in the normal course of their employment or agency. The board will fix the amount of the bond.

Strategic Priorities: Effective and Efficient Operations (policy 1100)

Legal References: G.S. 115C-442

Cross References:

Adopted: March 13, 2000

Reviewed: March 21, 2011; January 24, 2022

A. PRINCIPLES

The board strives to provide safe, orderly, and inviting schools for students and staff. The board also strives to provide other facilities needed to support the educational program. Long-range planning by the board and superintendent is essential for providing an educational environment that offers students the opportunity to receive a sound basic education and that supports student success.

B. LONG-RANGE PLAN

The board will adopt a long-range plan that identifies the facility needs of the school system and sets forth a plan for how to meet these needs. The plan will address the issue of whether to renovate existing facilities or build new facilities. The plan also will incorporate, where appropriate, creative options for meeting the needs of the educational program, such as expansion or reduction through modular construction, future alternative uses of space, the availability of community facilities, the use of temporary facilities or leasing arrangements, opportunities for capital lease financing of facilities through public/private partnerships, and sharing facilities with other school systems.'

C. PROCESS

The following information will be considered in developing and adopting a long-range plan:

1. data that reflect the possibility of enrollment declines or increases as well as other demographic changes in the population of students that is or may be served;

2. a facilities inventory that includes the size of sites, building capacities, age of buildings, energy consumption, ability to utilize technology, the suitability of the space for its current or future purpose, and accessibility by the community; and

3. the availability or anticipated availability of innovations in construction or design that would allow existing buildings to be renovated or new facilities to be constructed at a lower cost, in a more energy-efficient manner, or in a way that would better meet the needs of the educational program.

The superintendent may utilize the services of consultants to obtain information necessary for the long-range planning process. All professional contracts must be approved by the board. School staffs, students, and parents should be involved in considering the needs for new and renovated facilities.

The board will work with the board of county commissioners when possible in developing a five-year capital outlay plan. The board and superintendent will endeavor to communicate with

other governmental bodies and the public in a positive and persuasive manner about the need for school construction and, consequently, the need for necessary funding.

Legal References: G.S. 115C-47, -204, -276, -426.2, -521, -524, -530, -531, -532; 143-128.1C(l), -129; 153A-164; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: February 8, 2016

Reviewed: March 21, 2022

The board will select future school sites in a manner consistent with facility needs as identified in the long-range plan. The board will consider options for acquiring property and buildings that are within its legal authority, are economically sound, and meet immediate and future needs.

The superintendent shall assist the board in site selection. In making recommendations to the board, the superintendent should consider the following factors, along with any other factors the superintendent determines to be appropriate:

1. the size of sites needed for current or future projects;

2. the cost of acquisition and development;

3. a site's suitability for its intended uses;

4. a site's accessibility to students and the community; and

5. whether a site meets all legal requirements for school use, including environmental standards.

The superintendent shall investigate and recommend to the board reasonable options for acquiring property or buildings, such as purchasing, leasing, or entering into relationships with other governmental agencies or private businesses, as permitted by law. The superintendent is authorized to select and work with consultants in identifying and assessing site options. Any contract for professional services must be (1) reviewed by the board attorney, (2) be approved by the board, unless the board has delegated this authority to the superintendent in policy 6420, Contracts with the Board, and (3) meet any applicable legal and board policy requirements.

Legal References: G.S. 115C-47, -204, -517, -518, -521; 153A-164; 160A art. 2 pt. 1; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: June 14, 2016

Reviewed: March 21, 2022

The board is committed to constructing new facilities and renovating existing facilities in a manner that maximizes the use of space, conserves environmental and fiscal resources, and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly, and inviting learning environments where students can succeed. School buildings also will be planned to the extent feasible for maximum use by the community and for providing extended services to students.

The superintendent is responsible for overseeing the design of facilities that have been identified in the long-range facility needs plan and have been approved for funding. New or renovated facilities must be designed in a way that will meet all legal requirements, including legal standards for accessibility and use of facilities by persons with disabilities. Plans also must take into consideration the facilities guidelines developed by the North Carolina Department of Public Instruction. The superintendent may utilize services of outside professionals, including architects and other consultants, in the facility design and construction. Any contract for professional services must be (1) reviewed by the board attorney, (2) be approved by the board, unless the board has delegated this authority to the superintendent in policy 6420, Contracts with the Board, and (3) meet the requirements of any applicable board policies. (See policy 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk.) The superintendent also should work to involve school staff, parents, and students in the design of school buildings.

Before investing any money in the construction of any new building, or when using any state money for the erection, repair, or equipping of any building, the superintendent must submit the plans to the State Board for review and comment and must review the plans based upon a consideration of the comments received.

Plans for science facilities in new middle and high schools are subject to approval by the State Board of Education in accordance with G.S. 115C-521(c1) and State Board of Education policy.

The superintendent shall report periodically to the board on the development of facility plans. The superintendent also shall report on the State Board's review of facility plans conducted pursuant to G.S. 115C-521(c) and this policy and must specifically address any concerns noted by the State Board. The board must give final approval of facility plans before any money may be spent on new buildings or renovations.

Legal References: 29 U.S.C. 794(b); 34 C.F.R. pt. 104 (subpt. C); 42 U.S.C. 12101 *et seq.*; 28 C.F.R. pt. 35 (subpt. D); G.S. 115C-204, -521; 133, arts. 1 and 3; State Board of Education Policy SCFC-005; State Board of Education Policies SCFC-003, *North Carolina Public School Facilities Guidelines*, and SCFC-006, *Procedures Manual: Public School Building Capital Fund*, both available at www.schoolclearinghouse.org/

Cross References: Contracts with the Board (policy 6420), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Other Resources: North Carolina Department of Public Instruction School Planning Publications, available at http://www.schoolclearinghouse.org/

Adopted: November 20, 2017

Reviewed: March 21, 2022

Facility construction will be undertaken in accordance with the long-range plan adopted by the board of education and the facility design approved by the board. Any repairs or renovations of school facilities should be undertaken in such a way as to minimize disruption of instructional time and the educational environment.

A. QUALITY OF CONSTRUCTION

Buildings should be constructed with durable materials that, when possible, permit space to be adapted to various purposes and to be adjusted to changes in technology or the educational program.

The board will not accept substandard construction. In the event of insufficient funding for a project, the board will defer implementing parts of the long-range plan.

B. CHANGE ORDERS FOR CONSTRUCTION OR REPAIR WORK CONTRACTS

1. All Contracts for Construction or Repair Work

   a. Use of Change Orders

      After a contract for construction or repair work has been awarded, the need may arise to amend the terms, conditions, or specifications of the contract by a change order. Change orders may not be used or divided to evade bidding requirements or the requirements of this policy.

   b. Change Orders That Must be Reported to the Board

      Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to approve change orders involving additive or deductive sums up to $25,000 so long as funding for the change order is available within the established project budget.

      The superintendent shall report to the board all change orders that were approved by the superintendent, including those that do not impact the contract amount. The report will be provided to board members in writing on a monthly basis or at the next board meeting and will include the following information: (1) the contractor's name; (2) the project name; (3) a brief description of the change; (4) the contract amount, including amount(s) of any prior changes; and (5) the change order amount. The superintendent is not required to report any proposed change order that was denied by the superintendent or designee.

   c. Change Orders Requiring Board Approval

Change orders that (1) involve amounts over $25,000, (2) are in excess of the remaining funds in the project budget, or (3) cause the total cost of a contract that has not been previously approved by the board to exceed $300,000 require board approval. The superintendent shall present all such proposed change orders that are recommended for approval to the board at a board meeting. The superintendent is not required to present to the board any change order not recommended for approval.

If, in the superintendent's opinion, a change order requires expedited review, the superintendent shall notify the board chair, who will decide whether a special meeting must be called to address the proposed change order before the next board meeting.

2. Additional Requirements for Contracts in Excess of $300,000

When amendments to a contract in excess of $300,000 are necessary, the contractor shall submit a proposed change order in writing to the project architect/engineer for review. If the project does not have an architect/engineer, the change order must be submitted to the superintendent or designee. Any request for expedited review must also be in writing and accompany the proposed change order. The contract for construction projects in excess of $300,000 must specify the manner in which change orders will be submitted on those projects.

Legal References: G.S. 115C-521, -524

Cross References: Contracts with the Board (policy 6420), Planning to Address Facility Needs (policy 9000), Facility Design (policy 9020), Bidding for Construction Work (policy 9120)

Adopted: October 3, 2016

Reviewed: March 21, 2022

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

A. STANDARDS OF CONDUCT

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8305, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.

2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

   An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See G.S. 14-234 and policy 7730, Employee Conflict of Interest.

   Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See 2 C.F.R. 200.318 and policy 8305, Federal Grant Administration.

   A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of

the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.

6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value ($50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of $100 in a twelve-month period.

   Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the board minutes.

10. An employee shall not misuse information in violation of G.S. 14-234.1. Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the school system,

or in reliance on information known to the employee in his or her official capacity and not made public, to:

a. acquire a financial interest in any property, transaction, or enterprise;

b. gain a financial benefit that may be affected by the information or contemplated action; or

c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

B. TRAINING

The superintendent or designee shall ensure that all affected employees are aware of board policy requirements and applicable laws.

As described in policy 7730, Employee Conflict of Interest, employees who are involved in the making or administering of contracts shall receive conflicts of interest training that includes position-specific education on conflicts of interest and ethical standards of conduct.

C. VIOLATIONS

Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 7730, Employee Conflict of Interest, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 2121, policy 7730, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318(c); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 115C-335.15; 133-32, -33; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: April 11, 2011

Revised: February 18, 2013; December 14, 2018; April 2, 2024

Reviewed: November 1, 2021

USE AND SELECTION OF ARCHITECTS, ENGINEERS, SURVEYORS, AND CONSTRUCTION MANAGERS AT RISK

Policy Code: **9110**

A. USE OF ARCHITECTS AND/OR ENGINEERS

To the extent required by North Carolina General Statute 133-1.1, a registered architect or registered engineer, or both, will be used to design and inspect school system buildings being repaired or constructed. In addition, architects and/or engineers may be used for services, such as:

1. preparing feasibility studies for additions, alterations, or renovations of existing facilities;

2. providing consulting services on technical matters;

3. providing services related to long-range planning or facility design; and

4. assisting in the preparation and submission of any documents requested by other governmental agencies.

B. SELECTION PROCESS FOR ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES

Except as otherwise permitted under G.S. 115C-521(g), the procurement of architectural, engineering, surveying, or construction management at risk services for facility design, construction, and related services will be accomplished in accordance with the following requirements. Any purchase of services using 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.)

1. Projects with an Estimated Professional Fee of $50,000 or More

   a. The superintendent shall solicit proposals from service providers for selection based upon qualifications using the following or similar criteria:

      1) training and experience of the service provider, especially in school-related projects;

      2) planning ability and promptness;

      3) experience in specification writing, including reputation for

accuracy and sufficiency of detail;

4) experience in the construction of K-12 buildings;

5) reputation for quality of design and construction in appearance and utility;

6) history of thorough inspections and follow-through with jobs;

7) timely completion of projects within the established budgets;

8) relationships with contractors and designers; and

9) any other factors the superintendent deems relevant.

b. The superintendent shall provide a list of qualified service providers to the board for consideration and selection unless the estimated professional fee for the project is within the superintendent's authority to contract as provided in policy 6420, Contracts with the Board. The list shall not include any company whose name appears on the state treasurer's lists of restricted companies, developed in accordance with G.S. 147, art. 6E or art. 6G.

c. A North Carolina resident firm will be granted 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 solicitation documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

d. Fees will be negotiated with the selected firm. If a fair and reasonable fee cannot be agreed upon, the board or superintendent will select the next best qualified firm and negotiate fees. The contract with the firm must be reviewed by the board attorney and meet all applicable laws and board policies. The contract must have board approval unless the board has delegated this authority to the superintendent in policy 6420.

2. Projects with an Estimated Professional Fee of Less than $50,000

a. The process established in subsection B.1 is not required unless otherwise directed by the board or superintendent for a specific project.

b. When the estimated professional fee for a project is estimated to be **within** the superintendent's authority to contract on behalf of the board as

provided in policy 6420, Contracts with the Board, the superintendent shall have authority to select the firm. Board approval of the firm is not required. The contract with the firm must meet all applicable laws and board policies and must be consistent with G.S. 147, art. 6E and art. 6G.

c. When the professional fee is estimated to **exceed** the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall recommend one or more firms to the board for consideration. The board will approve the selection of the firm. The contract with the firm must be reviewed by the board attorney, be approved by the board, meet all applicable laws and board policies, and be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-521(g); 133, arts. 1 and 3; 143-64.31, -64.32; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Federal Grant Administration (policy 8305), Site Selection (policy 9010), Facility Design (policy 9020)

Adopted: February 6, 2017

Revised: December 14, 2018

Reviewed: March 21, 2022

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 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:

1. 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.

2. 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 Small Business Enterprise status.

3. 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.

4. Financial – Firms will be required to provide a complete current annual financial statement (current within the previous 12-month period).

5. 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.

6. 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.

7. 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.

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 Committee 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 email. 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 email. 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 email 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 email.

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 email 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 shall be final, and the firm shall be promptly notified of the decision via email. 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 email address for communication with the construction manager or school system during the appeal process. The firm shall provide at least two email 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; 147 art. 6E, art. 6G

Cross References:

Adopted: November 24, 2014

Revised: June 14, 2016; November 20, 2017; August 17, 2026

Reviewed: March 21, 2022

The board strives to obtain high quality services at a reasonable price through the bidding process employed by the school system.

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. Contracts 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, as required by policy 9125, Participation by Women- and Minority-Owned Businesses.

The board will grant a North Carolina resident firm providing architectural, engineering, surveying, construction management at-risk service, 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 system's bid documents will require that nonresident firms disclose and describe any construction 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, multi-prime (separate prime), construction management at-risk, dual bidding, design-build, design-build bridging, and public-private partnership methods, as permitted by law. The superintendent shall 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 shall so inform the board and make the recommendation to the board that it approve the use of alternative methods. Upon board approval, the superintendent shall 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 shall 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 will 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 so as to evade the informal bidding requirements is prohibited. The superintendent shall develop informal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders and potential bidders.

E. APPROVAL

All formally bid construction contracts must be reviewed by the board attorney. The superintendent shall 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 $10,000 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 $10,000. 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 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 $10,000.00.

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: G.S. 64 art. 2; 115C-521, -522; 143-64.31 and art. 8; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Facility Construction (policy 9030), Prequalification of Bidders for Construction Projects (policy 9115), Participation by Women- and Minority-Owned Businesses (policy 9125)

Adopted: April 17, 2000

Revised: April 11, 2011; October 21, 2013; November 24, 2014; February 8, 2016; June 14, 2016; October 17, 2016; November 20, 2017; February 7, 2022; August 17, 2026

The board encourages processes that will foster competition among potential bidders. The identity of contractors who have obtained proposals for bid purposes for a public contract is confidential until the bids are opened in public and recorded in the board minutes. Any employee who divulges such information to any unauthorized person will be subject to disciplinary action.

This policy is not intended to limit the superintendent's discretion to conduct prebid meetings.

Legal References: G.S. 133-33

Cross References: Ethics and the Purchasing Function (policy 6401)

Adopted: April 11, 2011

Reviewed: November 1, 2021

The board affirms the State's commitment to encouraging the participation of minority businesses in the school system's building construction contracts. A minority business is defined in accordance with G.S. 143-128.2 and is either (1) one in which at least 51 percent of the business is owned by minority persons or socially and economically disadvantaged individuals and 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, or (2) an employee stock ownership plan company in which at least 51 percent of the stock is owned by one or more minority persons or socially and economically disadvantaged individuals. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females.

A. GOALS

After notice and public hearing, the board hereby adopts an aspirational verifiable percentage goal of ___ percent for participation by minority businesses in the total value of work for each building project costing $300,000 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 $100,000 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.

B. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board establishes the following guidelines for contracts subject to Section A to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. Before awarding a contract, the superintendent or designee shall:

1. make information about the school system's formal and informal bidding process readily available;

2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;

3. advertise for bids in media that reach minority businesses;

4. designate a school official to attend the scheduled pre-bid conference to explain the school system's minority goals and objectives;

5. 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.

   For purposes of this provision, the minority businesses to be notified are those (1) that have requested notices from the school system for construction or repair work, and (2) those that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal;

6. ensure that everyone who requests it has access to bid documents needed for making bids on projects;

7. maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;

8. 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;

9. 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; and

10. provide information to bidders about the statewide uniform certification program for historically underutilized businesses.

C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

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 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.

D. 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.

E. 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 $300,000, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation.

F. REPORTING

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

G. 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.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131(b); 01 N.C.A.C. 30I .0101-0310

Cross References:

Adopted: April 17, 2000
Revised: February 20, 2006; April 11, 2011; March 29, 2018; April 2, 2024
Reviewed: March 21, 2022

SUPERVISION OF CONSTRUCTION CONTRACTS

Policy Code: **9130**

The superintendent is responsible for monitoring construction contracts with the architect and/or engineer and all contractors. The superintendent or designee shall report periodically to the board on the progress being made by the contractors, architects, and/or engineers, including whether the work is being performed in accordance with plans, specifications, contracts, and specified deadlines.

Change orders for construction contracts shall be managed in accordance with the requirements established in policy 9030, Facility Construction.

The superintendent may utilize consultants in performing the review required by this policy. Any contract for such services must be included in the budget for the project.

Legal References: G.S. 115C-36, -47; 133-1.1

Cross References: Contracts with the Board (policy 6420), Facility Construction (policy 9030)

Adopted: October 17, 2016

Reviewed: March 21, 2022

CARE AND MAINTENANCE OF FACILITIES

Policy Code: **9200**

The board strives to maintain the school system's facilities in good condition in order to:

1. continue to provide a safe, orderly and inviting educational environment;

2. protect financial investments in the facility;

3. reduce the need for major repair; and

4. facilitate the conservation of energy resources.

All staff, students and visitors to the school are expected to use reasonable care to prevent property damage. Principals and teachers are to instruct students in the proper care of public property. Anyone who willfully or carelessly damages school property may be held financially liable, as provided by law, including G.S. 115C-523.

Principals must inspect their school buildings for health, fire and safety hazards on a regular basis and as required by law. Principals shall notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards. Any employee who observes a potential hazard shall notify his or her supervisor or the principal immediately. Proper signs indicating potential hazards or recommended safety precautions must be posted.

The maintenance department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs.

The superintendent is directed to ensure that facilities are evaluated and inspected in accordance with the facilities inventory as provided in policy 9000, Planning to Address Facility Needs.

Legal References: G.S. 1-538.1; 115C-40, -47, -276(c), -288(f), -307(h), -523, -524

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000)

Adopted: April 11, 2011

Revised: June 17, 2013

Reviewed: March 21, 2022

Pests are significant problems for people and property. The pesticides that are commonly used in pest control may pose a potential risk to human health and the environment. The board is committed to maintaining a safe educational environment while also protecting the physical conditions of school facilities. To this end, the board will utilize Integrated Pest Management (IPM) programs or incorporate IPM procedures into the maintenance program conducted by the school system. The superintendent will appoint an IPM contact person to facilitate the use of IPM techniques. As necessary, the superintendent will develop administrative procedures for the IPM program.

A. OVERVIEW OF INTEGRATED PEST MANAGEMENT

IPM is a comprehensive approach that combines effective, economic, environmentally sound and socially acceptable methods to prevent and solve pest problems. IPM emphasizes pest prevention and provides a decision-making process for determining if, when and where pest suppression is needed and what control tactics are appropriate.

Through its IPM program, the school system will strive to do the following:

1. minimize any potential health, environmental and economic risks from pests or from the use of pest control methods;

2. minimize loss or damage to school structures or property from pests or from the use of pest control methods;

3. minimize the risk of pests spreading into the community; and

4. enhance the quality of facility use for the school and community.

Pesticide use will not be based *solely* on a schedule. School personnel in charge of pest management will consider how and when pesticides need to be used to achieve the pest management goals.

B. USE OF IPM IN FACILITY AND MAINTENANCE OPERATIONS

The school system shall include pest management considerations in facilities planning and maintenance. The IPM contact person, in conjunction with the school system's contracted pest management professional, will recommend to the superintendent any landscaping changes, structural modifications and sanitation changes needed to reduce or prevent pest problems. The superintendent will review such recommendations and may authorize action to address necessary minor changes in a timely manner, as the budget permits. For significant changes or changes that require a significant expenditure of funds, the superintendent will recommend changes to the board for approval.

C. PROVIDING INFORMATION ON IPM TO THE SCHOOL COMMUNITY

Staff, students, pest managers, parents and the public will be informed about potential school pest problems, school IPM policies and procedures, and their respective roles in achieving the desired pest management objectives. Each year, the principal or designee will ensure that the student handbook includes the schedule of anticipated pesticide use on school property and a notice to parents, guardians and custodians of their right to request notification of nonscheduled pesticide use. Additionally, the principal or designee shall annually notify school staff of scheduled pesticide use on school property and of their right to request notice of nonscheduled pesticide use. Notice of nonscheduled pesticide use should be made at least 72 hours in advance of such use, to the extent possible.

D. RECORDKEEPING

Records of all pest management activities must be maintained, including inspection records, monitoring records, pest surveillance data sheets or other indicators of pest populations, and records of structural repairs and modifications. If pesticides are used, records must be maintained on site to meet the requirements of the state regulatory agency and school board.

Legal References: G.S. 115C-12(34)d and e, -36, -47(47)

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000), Care and Maintenance of Facilities (policy 9200)

Adopted: September 20, 2010

Reviewed: April 11, 2011

Revised: March 21, 2022

CARE AND MAINTENANCE OF GROUNDS AND OUTDOOR EQUIPMENT

Policy Code: **9210**

The board strives to make the physical grounds at each school campus part of a safe, orderly and inviting educational environment. To further this goal, the principal shall seek opportunities to involve employees, parents and students at that school in the decisions related to the school grounds and shall make reasonable efforts to maintain the grounds and outdoor equipment in a manner consistent with board goals.

The board recognizes that chromated copper arsenate-treated wood ("arsenate-treated wood") has been found to pose health hazards to students and has been removed from the marketplace for residential uses. Thus, the board prohibits the purchase or acceptance of arsenate-treated wood for future use on school grounds. To the extent possible, the principal or designee shall ensure that existing arsenate-treated wood in playground equipment is sealed.

The principal shall inspect playgrounds and outdoor equipment for other health and safety hazards on a regular basis and as required by law and post warnings of any hazards as necessary to alert the public, staff and students of those hazards. The principal shall notify the superintendent immediately of repairs needed to meet safety standards.

Legal References: G.S. 115C-12(34)(a), -36, -47, -524

Cross References: Student Safety (policy 1510/4200/7270)

Adopted: April 11, 2011

Reviewed: March 21, 2022

Security of school system facilities is an important part of maintaining a safe learning environment for students and staff and for protecting the investments of the school system. The superintendent or designee shall develop and implement programs or procedures as necessary to meet, at a minimum, the following board requirements for security of facilities.

1. All school system buildings must use a security control system that limits access to keys or other building entry devices to authorized personnel and safeguards against unauthorized individuals gaining entry to buildings.

2. The superintendent is responsible for determining the need for and responsibilities of security personnel and shall make recommendations as appropriate to the board for funding security personnel positions or contracts.

3. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent must provide local law enforcement with (1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

4. Principals shall make reasonable efforts to secure buildings and other valuable property on school grounds when the school is closed or vacated.

5. Teachers are to make reasonable efforts to secure their assigned classrooms or other designated spaces when the school is closed or vacated or when their classrooms or other designated spaces are not in use.

6. Principals are encouraged to involve teachers, other school staff, parents, students, and law enforcement in identifying the security needs of the school.

7. Principals shall implement programs or make recommendations to the superintendent and board as appropriate to address the security needs of the school.

Other board policies regarding the maintenance of facilities, safety, and visitors to the school also are important to maintaining the security of the school environment. All professional employees and other employees with job duties related to the security of the facilities are

responsible for being familiar with these policies and carrying out duties specified by board policies or the superintendent or designee.

Legal References: G.S. 115C-105.53, -105.54, 276(c), -288(f), -307(h), -523, -524

Cross References: School Safety (policy 1510/4200/7270), Visitors to the Schools (policy 5020), Relationship with Law Enforcement (policy 5120), Use of Equipment, Materials, and Supplies (policy 6520), Vandalism (policy 6550), Care and Maintenance of Facilities (policy 9200)

Adopted: February 8, 2016

Reviewed: 3-21-2022

NAMING OF FACILITIES

Policy Code: 9300

I. NAMING OF FACILITIES

The Board of Education considers naming facilities to be a significant endeavor since the name of a facility can reflect upon the school district and its students and staff, and the county.

The superintendent may involve the local school advisory council in the process of identifying possible names for a new school facility or for the renaming of an existing school. The superintendent will consider the following criteria as well as other factors the superintendent determines to be relevant in identifying potential names for the facility:

- the name should not be so similar to the names of existing facilities as to cause confusion;
- the name should include a designation of the type of school, such as elementary, middle, or high, or a brief description of a school of a specialized kind;
- the name may be in honor or in memory of an individual who has aided significantly through financial contributions or educational leadership the success of students in this school district;
- the name may be that of an educational or governmental leader of prominence and reputation beyond the school district; however, priority will be given to the names of educational or governmental leaders who have directly or indirectly contributed to the success of students in this school district;
- the name may specify the geographic locality of the school.

The superintendent will submit a recommended name or limited list of recommended names to the Board of Education for approval. The Board of Education will have final approval of all facility names. The Board of Education reserves the right to rename a school facility for such reasons as it deems to be in the best interest of the school district.

II. NAMING OF PORTIONS OF SCHOOL FACILITIES

The Board of Education generally does not name individual buildings, rooms, stadiums or other structures on a school campus. However, individuals or groups may request that such facilities be named for persons or organizations that have made substantial contributions to the school system either through personal service or the dedication of resources and revenues to the school or school system.

Any person or group interested in requesting that a portion of a school be named for a specific person or organization should submit the request to the principal pursuant to administrative

procedures adopted by the superintendent. Upon receiving a recommendation from the principal, the superintendent will review the request and present any relevant findings to the Board of Education for consideration. The Board of Education will have final approval of all facility names. The Board of Education reserves the right to rename a school facility or any part thereof for such reasons as it deems to be in the best interest of the school district.

NAMING OF FACILITIES

Legal References: G.S. 115C-36, 47
Adopted: May 17, 2004
Revised: May 19, 2008
Reviewed: April 11, 2011

Revised: March 21, 2022

Policy Code: 9300

SALE, DISPOSAL, AND LEASE OF BOARD-OWNED REAL PROPERTY

Policy Code: **9400**

The board will consider the sale and disposal of board-owned real property, including land and buildings, as authorized by law. The board is guided in its decisions by its commitment to help students succeed by providing appropriate facilities and to use its resources in a fiscally and environmentally sound manner.

Any sale or disposal of real property, including school buildings, will be conducted in accordance with constitutional and statutory requirements. The superintendent should secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration, except as permitted by law. The board will afford the board of county commissioners the first opportunity to obtain any real property at the fair market price or a price negotiated between the two boards.

The board may lease board-owned real property to another entity in accordance with constitutional and statutory requirements. The board will lease available board-owned buildings and land to charter schools when required by law.

All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: N.C. Const. art. IX, § 7; G.S. 115C-72, -218.35, -518, -521; 147 art. 6E, art. 6G; 160A art. 12; *Boney v. Board of Trustees*, 229 N.C. 136 (1948)

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: April 17, 2000

Revised: January 9, 2006; April 11, 2011; March 19, 2012; November 23, 2015; June 14, 2016; February 6, 2017; November 20, 2017; August 8, 2022

Reviewed: March 21, 2022