

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 district and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

The board directs each principal or designee to develop a parental involvement plan as a part of the school improvement plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. ~~the board directives provided below.~~ In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
2. promotion of responsible parenting;
3. involving parents and guardians in student learning;
4. promotion of volunteering;
5. involving parents and guardians in school's decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness

This policy applies to the parents, legal guardians and legal custodians of students who are under 18 years old and are not married.

#### **A. PARENT COMMUNICATION AND CONFERENCES**

The board encourages regular contact with parents by school personnel for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communications with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee is responsible for identifying students at each school who are at risk for academic failure. No later than the end of the first quarter or after the teacher has had up to nine weeks of instructional time with a student, a personal education plan for academic achievement shall be developed for each student at risk of academic failure who is not performing at least at grade level. The principal or designee shall notify the student's parent that the student has a personal education plan and provide the parent with a copy of the plan.

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.

**~~B. TITLE I PARENT CONSULTATION POLICY~~**

~~The Title I program offers assistance to meet special educational needs of educationally and economically disadvantaged children according to federal guidelines. The board encourages parents to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the program and the success of the children.~~

~~An annual meeting must be held for parents of all eligible Title I children to discuss the Title I funded programs and activities. In addition to the annual meeting, the board encourages parents to confer with their child's Title I teacher on a regular basis.~~

~~Each principal or designee shall annually notify parents of limited English proficient children identified for participation in a Title I, Part A-funded language-instruction educational program of the following:~~

- ~~1. reasons for the identification;~~
- ~~2. level of English proficiency;~~
- ~~3. methods of instruction;~~
- ~~4. how the program will help the child;~~
- ~~5. if the child has a disability, how the language instruction educational programs meet the objectives of the child's individualized educational program (IEP); and~~

6. ~~any other information necessary to effectively inform the parent of the~~  
~~—program.~~

**B. G. ANNUAL NOTIFICATION**

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 student in Title I schools shall receive a copy of the system-wide parent involvement plan.~~each year of the~~ following:

In addition, annually every building principal or designee shall effectively notify parents of the following:

1. parental rights related to student records (see policy 4700, Student Records);
2. parental rights related to student surveys (see policy 4720, Surveys of Students);
3. 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; ~~and their right to opt their child out of any such examination;~~
4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205. Pest Management);
5. student behavior policies, the Code of Student Conduct and school standards and rules (see policies in the 4300 series);
6. permissible use of seclusion and restraint in the schools (see policy 4302, School Plan for Management of Student Behavior);
7. policy 1720/4015/7225, the Discrimination, Harassment and Bullying Complaint Procedure ~~(policy 1720/4015/7225)~~
8. policy 1740/4010, the Student and Parent Grievance Procedure ~~(policy 1740/4010)~~;

9. grading practices that will be followed at the school and, in the high schools, the means for computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress; and policy 3450, Class Rankings);
10. a description of the curriculum being offered ( see policy 3100, Curriculum Development);
11. student performance standards of the board and school system (see policies 3400 series);
12. a report containing aggregate information, including, but not limited to student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications;
- ~~13. the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child;~~
- ~~14. if the student has been assigned or has been taught for at least four consecutive weeks by a teacher who is not "highly qualified" as defined in No Child Left Behind Act;~~
- ~~15. the results of the LEA's yearly progress review of each school;~~
- ~~16. if a Title I school is identified for improvement, an explanation of students' transfer rights and other information required by 34 C.F.R. 200.37~~
- ~~17. if a Title I school is identified for improvement and fails to make adequate yearly progress by the end of the first full year after being so identified, the availability of supplemental services in accordance with 34 C.F.R. 200.37~~
18. 13 sports and extracurricular activities available for students (policy 3620, Extracurricular Activities and Student Organizations);
19. 14 supportive services available to students, including guidance, counseling, and health services (policy 3540, Comprehensive Health Education Program; policy 3610, Counseling Program);
20. 15 information about meningococcal meningitis and influenza, including the causes, the symptoms, the vaccines, how the diseases are spread and places where additional information and vaccinations may be obtained;

24. 16for 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
22. 17how to reach school officials in emergency situations during non-school hours;
23. ~~the school's written parental policy, parents' right to be involved in their child's school and opportunities for parents to be involved in the school;~~
24. 18 information about and an application form for free and reduced price meals and/or free milk;
25. 19for parents of children with disabilities, procedural safeguards;
20. 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;
21. education rights of homeless students (see policy 4125, Homeless Students);
22. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
26. ~~information on the availability of the asbestos management plan and actions, including periodic re-inspection and surveillance activities, and planned or in-progress inspections, re-inspections, response actions, and post-response; and~~
23. 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);
27. 24that the school system does not discriminate on the basis of race, color, national origin, sex disability, or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities; and

25. that the school system provides equal access to its facilities, programs and activities to Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying).

#### **D.D. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT**

As a part of the annual notification described above, parents will be effectively notified that parental consent may be withheld for the following:

1. ~~R~~ release of student directory information about his or her child for school purposes or to outside organizations (see policy 4700, Student Records);
2. release of their child's name, address and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
- 2.3. ~~Student's~~ their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrom (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540. A copy of material that will be used in these curricula will be available in the school media center during the school year and 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.
- 3.4. ~~Student's~~ 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). (~~Exception:~~ However, parental notification and permission are not required for: (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; or (c) counseling if child abuse or neglect is suspected (~~see policy~~ policies 3610, Counseling Program, and 4240/7312, Child Abuse- Reports and Investigations);
4. 5. Student's their child's participation in non-Department of Education—funded surveys concerning protected topics (see policy 4720, Surveys of Students);

6. 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;
7. the collection, disclosure or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and
8. 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 wishing to 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 as to the manner in which student directory information is used, the curriculum is provided, or the guidance programs are made available.

#### **E.D. PARENTAL PERMISSION REQUIRED**

Written parental permission is required prior to the following activities:

1. administrations of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. 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. student's 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 children with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;

7. student's participation in programs or services providing information about where to obtain contraceptives or abortion referral services;
8. student's participating in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720 Surveys of Students); and
9. disclosure of a student's free and reduced price lunch eligibility information or eligibility status; and.
10. disclosure of the identity of any student receiving supplemental education services under the Title I program.

**F. WEBSITE NOTIFICATION**

~~When a school is identified for improvement, the school system will display on its website the following information in a timely manner to ensure that parents have current information regarding supplemental services and public school choice.~~

- ~~1. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in public school choice.;~~
- ~~2. for the current school year, a list of available of schools to which students eligible to participate in public school choice may transfer;~~
- ~~3. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in supplemental educational services; and~~
- ~~4. for the current school year, a list of supplemental educational services providers approved by the state to serve the school system and the locations where services are provided.~~

Legal Reference: 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; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 USC 1400, et seq.; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2341, et seq.; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, et seq.; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R.



108.9; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47 (47), -47(51), -47(54), -81(el), -105.41, -109.1, -307(c), -375.4, -390.2, -391.1, -407.16; No Child Left Behind Act, 20 U.S. C. 6318; 34 C.F.R. 200.37, -200.39, G.S. 90-21.1, 115C-47(47), -47(51), -81(el), -307(c), -375.4; State Board of Education Policy FCB-A-000

Cross Reference: Title I Parent Involvement (policy 1320/3560), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Curriculum Development (policy 3100), Student Performance Policies (3400 series), Evaluation of Student Progress (policy 3400), Class Rankings (policy 3450), Special Education Programs/Rights of Disabled Students (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Extracurricular Activities and Student Organizations (policy 3620), Homeless Students (policy 4125), School Improvement Choice Transfer (policy 4153), Student Insurance Program (policy 4220), Child Abuse - Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), School Plan for Management of Student Behavior (policy 4302) Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Food Services (policy 6225), Pest Management (policy 9205)

Adopted: March 6, 2000  
Revised: January 12, 2009  
Updated: March 1, 2009  
Updated: April 13, 2010  
Updated: December 8, 2010  
Updated:

The board of education believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents are their children's first teachers; therefore, the continued involvement of parents in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents with opportunities to become involved in the programs offered by the Title I schools. The board encourages parents 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 PARENTAL INVOLVEMENT**

For the purposes of this policy and the Title I program, the term "parental involvement" means the participation of parents and guardians in regular, two-way and meaningful communication involving student academic learning and other school activities, including ensuring the following:

1. that parents play an integral role in assisting their child's learning;
2. that parents 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 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 engages in activities to support parental involvement 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 meet the school system's challenging academic standards. The purpose of the Title I program is to provide instructional activities and supportive services to eligible students over and above those provided by the regular school program ~~for eligible economically disadvantaged students~~. When applicable, students must be selected to receive Title I services based on objective criteria that are consistent with federal and state requirements, such as standardized test scores, teacher judgment, and results of pre-school screening and home-school surveys.

Qualified Title I schools shall operate as school-wide programs or targeted assisted programs based upon federal eligibility criteria. School-wide programs

shall utilize a comprehensive school improvement process enabling schools to serve all students in the school. Targeted assisted programs shall provide services to eligible students in the school having the greatest need for assistance.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include strategies to support parental involvement.

#### **C. ANNUAL MEETING**

Each year, Title I parents must be invited to an annual meeting, at which time parental rights will be explained. Programs and activities provided with Title I funds will be discussed, and input will be solicited. In addition, all parents will have an opportunity to evaluate the effectiveness of the Title I programs and the parental involvement policies and plans. Data collected from these findings will be used to revise Title I programs and parental involvement plans.

#### **D. PARENTAL INVOLVEMENT EFFORTS**

The board believes that the involvement of Title I parents 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 involve parents in activities throughout the school year.

The superintendent shall ensure that this system-level parental involvement policy is developed with, agreed upon with and annually distributed to parents of participating students. In addition to the system-level parental involvement policy, each school participating in the Title I program shall jointly develop and annually distribute to parents a school-level written parental involvement policy 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 Title I parents, including parents with limited English proficiency, parents with disabilities, and parents of migratory children. 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 proficiency levels and the school's academic performance.

School officials will 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 will establish procedures 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 in the joint development of the Title I Program and the process of school review and improvement by including parents on the school advisory committee and committees that review the Title I program;
2. provide coordination, technical assistance and other support from various central office departments necessary to assist participating schools in planning and implementing effective parental involvement activities that are designed to improve student academic achievement and school performance;
3. build the schools' and parents' capacity for strong parental involvement by collecting and disseminating information on effective parental involvement techniques;
4. coordinate and integrate parental involvement strategies with parental involvement activities in other programs, such as Head Start, Reading First and similar programs;
5. with the involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parental involvement policies and program in improving the academic quality of the school ~~to determine current and future needs, and ensure that such policies are developed/modified with, agreed upon with and distributed each fall to parents of participating students;~~
6. strive to eliminate barriers of parental participation by assisting parents with disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation, ~~including making a conscientious effort, to the extent practicable, to provide all written communication, including parental involvement policies, in a language that is spoken or read at home;~~
7. provide assistance to parents of participating Title I children 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, sending information home, newsletters, workshops and newspaper articles;
8. 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;

9. with the assistance of parents, ensure that teachers, pupil services 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;
10. 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 technology or literacy training;
11. coordinate and integrate parental involvement programs with pre-school programs and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;
12. strengthen the partnership with agencies, businesses and programs that operate in the community;
13. ensure that parents are involved in the school's Title I activities; and
14. 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. LEP Program**

- a. Each year the principal or designee shall notify parents of limited English proficient (LEP) children identified for participation in a Title I, Part A-funded language-instruction educational program of the following:
  - i. the reasons for the child's identification;
  - ii. the child's level of English proficiency;
  - iii. methods of instruction;
  - iv. how the program will help the child;

- v. the exit requirements for the program;
- vi. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational program (IEP); and
- vii. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal and selection of an LEP program.

- b. The principal or designee of a school with a Title I, Part A-funded language instruction program that has failed to make progress on the annual achievement objectives for LEP students, shall notify the parents of such failure no later than 30 days after the failure occurs.

## 2. System Report Card and School Progress Review

- a. Each year, school system officials shall disseminate to all parents, schools and the public a school system report card containing aggregate information, including, but not limited to, student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications.
- b. Each year, school system officials shall disseminate to all parents, schools and the community the results of the LES's yearly progress review of each school.

## 3. Schools Identified for Improvement, Corrective Action or Restructuring

- a. Promptly following a Title I school's identification for school improvement, corrective action or restructuring, school system officials shall notify parents of the following information:
  - i. what the identification means;
  - ii. how the school compares to other schools in the system and in the state;
  - iii. the reasons for the identification;
  - iv. how the school is addressing the problem of low achievement;
  - v. how parents can become more involved; and
  - vi. an explanation of students' transfer rights (see policy 4153, School Improvement Choice Transfer) and/or rights to obtain supplemental

educational services, as applicable.

- b. Each year, school system officials shall provide notice of the following to parents of students in a Title I school identified for improvement that failed to make adequate yearly progress (AYP) by the end of the first full year after being so identified:
  - i. the availability of supplemental services;
  - ii. a list of state-approved local providers of supplemental services; and
  - iii. a brief description of the services, qualifications and effectiveness of each provider.
- c. School system officials shall promptly notify parents (and teachers) of student if their Title I school becomes subject to restructuring as a result of its failure to make AYP following a full school year of corrective action and shall provide the parents and teachers an opportunity to comment and participate in developing a restructuring plan.

#### 4. Teacher Qualifications

- a. Each year, school system officials shall notify parents of Title I students of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child (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 is not "highly qualified" as defined in the No Child Left Behind Act.

#### 5. Parental Rights and Opportunities for Involvement

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

#### **F. WEBSITE NOTIFICATION**

When a Title I school is identified for improvement, corrective action or restructuring, the school system will display on its website the following information in a timely manner to ensure that parents have current information regarding supplemental services and public school choice:

1. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in public school choice;
2. for the current school year, a list of available schools to which students eligible to participate in public school choice may transfer;
3. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in supplemental educational services; and
4. for the current school year, a list of supplemental educational services providers approved by the state to serve the school system and the locations where services are provided.

The superintendent shall develop administrative procedures 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; No Child Left Behind Act of 2001, 20 U.S.C. 6301 et seq.; 20 U.S.C. 7801(32); Public School Choice Non-Regulatory Guidance, U.S. Department of Education (January 14, 2009); Supplemental Educational Services Non-Regulatory Guidance, U.S. Department of Education (January 14, 2009); State Board of Education Policy ~~EE~~ TCS-R-000

Other Resources: Giving Parents Options: Strategies for Informing Parents and Implementing Public School choice and Supplemental Educational Services Under No Child Left Behind, U.S. Department of Education Office of Innovation and Improvement (September 2007)

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), School Improvement Choice Transfer (4153), Personnel Files (7820)

Updated: July 1, 2009

Updated:



# PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

Policy Code : **DRAFT 1710/4021/7230**

---

The board acknowledges the dignity and worth of all students and employees and strives to create as safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

## A. PROHIBITED BEHAVIORS AND CONSEQUENCES

### 1. Discrimination, Harassment and Bullying

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying

Students are expected to comply with the behavior standards, established by board policy and the student's Code of Student Conduct. Employees are expected to comply with board policy and school system regulations. Volunteers and visitors on school property also are expected to comply with board policy and established school rules and procedures.

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior). 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.

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

When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide or school system-response is necessary. Such classroom, school-wide or school system-wide responses may include staff training, harassment and bullying

prevention programs and other measures deemed appropriate by the superintendent to address the behavior.

**2. Retaliation**

The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy or participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

**B. APPLICATION OF POLICY**

This policy prohibits unlawful discrimination, harassment and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors and organizations doing business with or performing services for the school system.

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. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.
7. By way of inclusion, but not limitation, this policy applies to the use of

computers, text messaging, cell phones, or other medium in a manner that materially and substantially interferes with the requirements of appropriate discipline in the operation of the schools.

**C. DEFINITIONS**

For purposes of this policy, the following definitions will apply:

1. Discrimination

Discrimination means any act or failure to act that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age, or disability. Discrimination may be intentional or unintentional.

2. Bullying

Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

- (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property.
- (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 harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassment and bullying include, but are not limited to, behavior described above that is reasonable perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic such as race, color, religion, ancestry, national origin, gender, socioeconomic status,

academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusions 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 derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment to occur in various situations. For example, harassment may occur: between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

- a. Unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:
  - (1) Submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress or completion of a school-related activity;
  - (2) Submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or
  - (3) Such conduct is sufficiently severe, persistent or pervasive that it has the purpose or effect of unreasonably interfering with an Employees work or performance or a student's educational performance, limiting a student's ability to participate in or benefit from an educational program or environment, or creating an abusive, intimidating, hostile or offensive work or educational environment.

Sexually harassing conduct includes, but is not limited to, 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, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

- b. Gender-based harassment is also a type of harassment. Gender-based harassment may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

**D. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT OR BULLYING**

Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy. Reports may be made anonymously, and all reports shall be investigated in accordance with that policy.

**E. TRAINING AND PROGRAMS**

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community.

As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with

students regarding the board's effort to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the internet.

**F. NOTICE**

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

**G. COORDINATORS**

The superintendent or designee shall appoint one or more individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI of Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws. The superintendent or designee shall publish the name (s), office address (es) and phone number (s) of the "Title IX coordinator" (for sex discrimination), and "Section 504 and ADA coordinator(s)" (for discrimination on the basis of disability) compliance coordinator(s) a manner intended to ensure that students, employees, applicants, employees, applicants, parents and other individuals who participate in the school system's programs are aware of the coordinator (s).

~~The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which~~

~~include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.~~

## **H. RECORDS AND REPORTING**

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination, harassment or bullying. The records must identify the names of all individuals accused of discrimination and the resolution of such reports or complaints. 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, harassment and bullying.

The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

## **I. EVALUATION**

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment and bullying and shall share these evaluations periodically with the board.

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; 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 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 of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, U.S. Department of Education, Office for Civil Rights (1994); Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, U. S. Department of Education, Office for Civil Rights (2001); Notice of Non-Discrimination, U.S. Department of Education, Office for Civil Rights (2010); *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (1730/4022/7231), Prohibition Against Retaliation (1760/7280), [Equal Educational Opportunities \(policy 4001\)](#), School Plan for Management of Student Behavior (policy 4302), [Visitors to the Schools \(policy 5020\)](#), [Community Use of Facilities \(policy 5030\)](#), [Recruitment and Selection of Personnel \(policy 7100\)](#), Professional Employees: Demotion and Dismissal (7930), Classified Personnel: Suspension and Dismissal (7940)

Adopted: March 6, 2000  
Revised: August 6, 2007  
Revised: February 14, 2005  
Updated: April 6, 2009  
Updated: January 12, 2010  
Updated:



# **DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE**

*Policy Code:* **DRAFT 1720/4015/7225**

---

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

## **A. DEFINITIONS**

### **1. Alleged Perpetrator**

The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

### **2. Complaint**

A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

### **3. Complainant**

The complainant is the individual complaining of being discriminated against, harassed or bullied.

### **4. Days**

Days are the 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 receipt of the complaint. When a complaint 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.

### **5. Investigative Report**

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

### **6. Investigator**

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

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

**B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES**

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

**C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT OR BULLYING**

1. Filing a Complaint

Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

- a. the principal or assistant principal of the school at which either the alleged perpetrator or alleged victim attends or is employed;
- b. an immediate supervisor if the individual making the complaint is an employee;
- c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);
- d. the Title IX coordinator for claims of sex discrimination or sexual harassment; ~~or~~
- e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or
- f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230.

2. Time Period for Filing a Complaint

A complaint should be filed 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.

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be

investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

**D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT OR BULLYING**

**1. Initiating the Investigation**

- a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:
  1. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.
  2. If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.
  3. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent or a member of the board.
  4. If the alleged perpetrator is the assistant superintendent for human resources, the superintendent or designee is the investigator.
  5. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)

6. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)
  - b. As applicable, the investigator shall immediately notify the Title IX, Section 504, or ADA or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
  - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
  - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.
  - e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.
2. Conducting the Investigation
  - a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.
  - b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
  - c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving

consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ~~or~~ ADA or other coordinator.
- b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
  1. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;
  2. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
  3. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
- c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
- d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
- e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may

appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.

**4. Appeal of Investigative Report**

- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. 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 days after receiving the appeal, unless further investigation is needed.
- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

**E. TIMELINESS OF PROCESS**

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

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that

interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

#### **F. GENERAL REQUIREMENTS**

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
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 complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.
4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

#### **G. RECORDS**

Records will be maintained as required by policy 1710/4021/7230.

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; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 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 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 of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; [Boy Scouts of America Equal Access Act 20 U.S.C. 7905, 34 C.F.R pt. 108](#); *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S.



Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); [Notice of Non-Discrimination, U.S. Department of Education, Office for Civil Rights \(2010\)](#); *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-407. [15 through -407.18](#) 46; State Board of Education Policy HRS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted: January 11, 2010

Updated: July 12, 2011

Updated:

## **NONDISCRIMINATION ON THE BASIS OF DISABILITIES**

Policy Code: **DRAFT 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 disabled persons 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 his or her 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 ~~Section 504~~ compliance coordinator (s) and the ~~ADA coordinator~~ 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 1720/4015/7225, Discrimination, Harassment and Bullying Complaint, which provide 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 accommodation 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 services, 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; and
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: The Americans With Disabilities Act, 42 U.S.C. 12101, 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: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Service Animals in Schools (policy 4202/5029/7272)

Adopted: April 6, 2000  
Updated: March 6, 2009  
Updated: August 3, 2010  
Updated:

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 board associations. It is the responsibility of the board to provide new board members 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 annually. Unless otherwise approved by the board, such training must be provided by the following entities; The school district; the North Carolina School Boards Association; the National School Boards Association; the School/Institute 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/she must obtain approval from the board.

The board of education must approve out-of-state travel and conferences sponsored by the National School Boards Association for board members in advance of committing to such travel.

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: March 6, 2000  
Amended: May 3, 2004  
Updated: April 6, 2009  
Updated:

Voting will normally be by voice vote on all matters coming before the board for action; however, any member may call for a division in which case the vote will be by show of hands. In either event, the minutes will reflect the vote of each member voting and the abstention of any member present but not voting, unless the vote ~~was~~ is unanimous.

A board member must vote on all issues unless there member has ~~is~~ 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 ~~which will be so stated~~ 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. ~~at which time they may be destroyed.~~

Legal References: G.S. 143-318.13; 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)

Adopted: March 6, 2000

Updated:

## GOALS AND OBJECTIVES OF THE EDUCATIONAL PROGRAM

Policy Code: **DRAFT** 3000

---

The board believes that the function of formal education is to provide a foundation for lifelong learning and to enable each student to participate effectively and responsibly in a changing world. The board recognizes the critical role of parents, governmental and nonprofit agencies, businesses and the community in helping individual students and the school district meet educational goals. To ensure that the educational program meets rigorous academic standards, the board shall strive to maintain accreditation of its schools by the Southern Association of Schools and Colleges 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.

In addition to providing a basic education program as prescribed by the State Board of Education, the board believes that administrators of the the educational program also must strive to provide each student with the opportunity to:

1. learn to be responsible for and accept the consequences of his or her ~~one's~~ conduct and academic performance;
2. develop the capacity to examine and solve problems;
3. foster respect and appreciation for cultural and ideological diversity and differences;
4. develop the ability to be productive in a team environment;
5. learn and acquire the skills necessary for a lifetime of continuous learning and adaption to change in the workplace and society;
6. prepare for challenging curriculum beyond secondary school and when appropriate possible, complete high school courses required for college entry in less than four years;
7. achieve high levels of success in a rigorous curriculum;
8. acquire the skills necessary for success as life-long learners;

9. acquire the skills needed for technological literacy in a rapidly changing world: and
10. remain in school and earn a high school diploma and, when appropriate possible, ~~earn an associate degree or two years of~~ 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—12(32), -12(38), -36, -47, -81; State Board of Education Policies GCS-F-16. GCS-L-006 ~~HSP-L-006 and HSP-F-016~~

Cross References: Curriculum Development (policy 3100), Selection of Textbooks and Supplementary Materials (policy 3200), Counseling Program (policy 3610).

Adopted: March 6, 2000

Updated: June 1, 2009

## **IMMUNIZATION REQUIREMENTS FOR SCHOOL ADMISSION**

*Policy Code:* **DRAFT 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. 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. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

### **A. IMMUNIZATION**

Within 30 calendar days of his or her first enrollment date, each student must show evidence of immunization against tetanus, diphtheria, whooping cough, red measles, German measles (rubella), mumps, Hepatitis B, haemophilus influenza (Hib), poliomyelitis, varicella, and any other disease as required by law or regulation.

For students entering the sixth grade ~~on or after August 1, 2008~~, a booster dose of Tdap vaccine is required if five years or more have passed since the students last dose of tetanus-containing vaccine.

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).

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.

Exception to the immunization requirement is made only for religious reasons or for medical reasons approved by a physician.

### **B. HEALTH ASSESSMENT/VISION SCREENING**

Within 30 calendar days of the first day of school entry, all kindergarten students must furnish to the principal a document indicating that the student has received

*Policy Code:* **4110**

---



a health assessment pursuant to G.S. 130A-440. 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 requirements will be made only for religious reasons. Vision screening must comply with the vision screening standards adopted by the Governor's Commission on Early Childhood Vision Care. 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. If a child enters the first grade without having been enrolled in a kindergarten program requiring a vision screening, the screening is required at that point.

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 the 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. ~~Such notification to the parent must also inform the parent that funds may be available from the Governor's Commission on Early Childhood Vision Care to pay providers for the examination, including corrective lenses.~~

No child will be excluded from attending school 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 or a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams ~~and shall include information about funds that may be available from the Governor's Commission on Early Childhood Vision Care.~~

#### A. 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.

#### B. CHILDREN OF MILITARY FAMILIES

The board acknowledges the immunization requirements for newly enrolling military children are governed by the Interstate Compact on Educational Opportunity for Military Children. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment or within such time as reasonably determined by the rules of the Interstate Commission to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the Interstate Commission.

Legal References: [McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.](#); G.S. [115C-407.5](#); 130A-152 to -157, [-440 to -443](#); [143B-216.75](#); [10A N.C.A.C. 41A .0401](#)

Cross References: [Children of Military Families \(policy 4050\)](#), [Homeless Students \(policy 4125\)](#)

Adopted: April 10, 2000

Updated: May 4, 2009

Updated:

**A. ASSIGNMENT AREAS**

The superintendent shall recommend to the board school assignment areas for the schools in the district.

The assignment areas shall be developed in accordance with state requirements and court rulings; the need to serve all school-age children who live in the school district; and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

The superintendent will review periodically the attendance areas and submit recommendations for revisions to the board when necessary.

**B. ASSIGNMENT OF STUDENTS**

The superintendent shall assign students to particular schools based upon the established assignment areas. Notwithstanding the provisions of this policy, the superintendent shall assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students.

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.

**C. REQUESTS FOR REASSIGNMENT****1. Procedure for Requesting Reassignment Before Notice of Assignment**

Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a request must be submitted in writing to the superintendent by June 1. The superintendent shall 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 assignment is requested and the instruction, health and safety of the pupils there enrolled. A decision will be made and the parent notified by June 30. If the parent is dissatisfied with the

superintendent's response, the parent may request the board to reassign the student as provided below.

2. Procedure for Requesting Reassignment After Notice of Assignment

Within 10 days of notice of the assignment or the last publication thereof, the parent may request the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail, ~~telephone, telefax, email or any other method reasonably designed to achieve notice.~~

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment 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, email, 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 may change 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 No Child Left Behind 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. School Improvement Choice Transfer under the No Child Left Behind Act

Students enrolled in a Title I school that has not made adequate yearly progress for at least two years in a row under the No Child Left Behind Act may transfer to another school in the system that has not been identified for school improvement or identified as persistently dangerous, pursuant to policy 4153, School Improvement Choice Transfer. In providing school improvement choice transfers, the superintendent shall ensure that first priority for choice is provided to the lowest-achieving, low income students.

4. 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.)

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 is responsible for transportation (except for (a) school improvement

choice transfers for which the system must provide transportation or (b) homeless student transfers 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 for out of county transfers and for (a) unsafe school choice transfers and school improvement choice transfers for which the length of reassignment will be consistent with legal requirements and policies 4152 and 4153 and (b) homeless student transfers for which the system will provide transportation in a manner consistent with legal requirements and policy 4125). Students transferring from one school to another the within the district are approved for continuous enrollment throughout the highest grade in that school provided all admission criteria, including tuition payment, if required continues to be met and the student remains in good standing in terms of academics, discipline, and progress. Students must reapply at middle and high school level if the school is not in their attendance district.
3. Any transfer request that is approved based upon false or misleading information will be declared void and the transfer will be rescinded.

#### **F. ASSIGNMENT TO ALTERNATIVE SCHOOL**

Students shall be assigned to the alternative school in accordance with board policy 3470/4305, Alternative Schools.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq*; No Child Left Behind Act, 20 U.S.C. 6301 *et seq*; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004); G.S. 15C-8; G.S. 115C-36, -366, -367, -369; State Board of Education Policy SS-A-006

Cross References: Alternative Schools (policy 3470/4305), Unsafe School Choice Transfer (policy 4152, School Improvement Choice Transfer (policy 4153), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: April 10, 2000

Updated: May 4, 2009

Updated:

**A. GENERAL AUTHORITY**

The principal has the authority to assign students to classes. The principal is encouraged to seek input from the professional staff in making the 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 the special circumstances described below, the principal shall balance any individual request 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 not 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 student's 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) 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, vocational, technical and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses is to be a primary concern 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, gifted and talented 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 Education 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, -288, -366.3, -407.5](#)

Cross References: Children of Military Families (policy 4050)

Adopted: April 10, 2000

## **ASSIGNMENT TO CLASSES**

Policy Code: **DRAFT** 4155

---

Updated: May 4, 2009

Updated:

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 and 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 electronic cigarettes and all lighted and smokeless tobacco products.

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 I 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 such activity is conducted or supervised by a faculty member and 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 and access to support systems and programs to encourage employees to abstain from the use of tobacco products. The school district may, from time to time, provide free non-smoking programs and services to be offered to employees in the schools, 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.](#) –~~6084~~; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products (policy 4320)

Adopted: December 6, 2004

Updated: April 6, 2009

Updated: August 3, 2009

Updated:

**A. GENERAL PRINCIPLES**

The board endorses the goals of the Community Schools Act. The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the board and school system.

Priority for facility use shall be given to community groups as outlined in Section B. For-profit groups are not permitted to use school facilities.

Use of school facilities shall 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 meeting of student organizations, including organizations permitted to meet under the Equal Access Act, shall 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 the following user categories. Priority in use among groups within the same user category shall 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 shall be charged for facility use according to the uniform fee structure.

1. 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 shall be charged to cover costs. Custodial or other supervisory services may be charged.

2. In accordance with G.S. 115C-527, political parties shall only be charged custodial and utility fees when using school facilities for the express purpose of annual or biennial precinct meetings and county and district conventions.
3. Local government and youth organizations (including but is not limited to scouts, 4-H)  
Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen, and/or supervisory fees shall be charged.
4. All other non-profit groups (all groups not included in the other categories)  
Fees: Rental, kitchen, utility, custodial, and supervisory fees shall be charged.

The superintendent shall submit a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use to the board for approval prior to the beginning of each school year.

**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 where the facility is located. Facility use request forms shall 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 are available for community use shall be available to the public at the superintendent’s office and each principal’s office.

The superintendent is authorized to develop a list of which school facilities are 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 shall include an application process and provisions regarding supervision of groups using facilities, care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations shall be furnished 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 American 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 shall not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Alcoholic Beverages).
5. Users shall not possess weapons or explosives while on schools ground (see 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 the activity.
7. Any violation by a user of the provisions of this policy or any applicable regulations shall be grounds for the suspension of the user's privilege to use

school facilities for such period of time as 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.

**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 shall 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.

**H. 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, Parent and Student 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. part 36~~ pt. 108; Community Schools Act, G.S. 115C-203 to -209.1, ~~-524. -527~~; 160A-274; 163-129

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Parent and Student 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: April 10, 2000



Updated: June 1, 2009

Updated: November 4, 2010

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 will 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 Manual*.

In addition to applicable laws and regulations, the following board policies will apply to leave requests. The superintendent is directed to develop administrative procedures and make them available to any employee upon request.

**A. MINIMUM LEAVE TIME**

An employee may take any type of leave increments of hours unless otherwise specified in this policy. Any ten-month employee requiring a substitute who is absent less than one-half day will be charged with the use of one-half day of leave. If an absence is more than one-half day but less than one full day, one day of leave will be charged. Leave that is designated as eligible for leave under the Family and Medical Leave Act, defined in board policy 7410, may be taken in increments of hours.

**B. CONTINUOUS LEAVE OF MORE THAN TEN DAYS**

An employee must comply with the notice and verification requirements as provided in policy 7520, Family and Medical Leave, for 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 leave is taken or as soon as is feasible thereafter.

**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. Employees who anticipate using sick leave for more than a single day must

inform the principal or immediate supervisor in advance, so that arrangements may be made to reassign the employee's duties during the period of absence.

#### **D. PERSONAL LEAVE**

Teachers earn personal leave at a rate of .20 days for each full month of employment, not to exceed two days per year. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30 of each year. On June 30, personal leave in excess five days shall be converted to sick leave so that a maximum of five days of personal leave is carried forward to July 1.. At the time of his or her retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

Personal leave must be used in half or whole day units. Personal leave may be requested by application in accordance with the policies of the State Board of Education and may be used only upon the authorization of the teacher's immediate supervisor. A teacher shall not take personal leave on the first day he or she is required to report for the school year, on a required teacher workday, on days scheduled for State testing, or on the day before or the day after a holiday or scheduled vacation day, unless the request is approved by the principal. On all other days, if the request is made at least five days in advance, the request will be automatically granted subject to the availability of a substitute teacher. The teacher cannot be required to provide a reason for the request.

#### **E. VACATION LEAVE**

The superintendent or designee has the authority to approve the vacation schedules of all personnel. 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. Vacation is earned by 12-month teachers during the two months of "extended employment" will be taken only upon the authorization of the employee's immediate supervisor and in accordance with procedures established by the superintendent. Vacation earned by teachers and other 10-month employees during the 10-month school-year employment will be taken as outlined in the school-year calendar. If a teacher schedules vacation leave in accordance with the school calendar, the board and/or principal must give the teacher at least 14 calendar days notice before requiring the teacher to work on the scheduled day(s), unless the teacher waives the notice requirement.

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30, accumulated annual vacation

leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.

An employee who has unused vacation from another school system in North Carolina may have the vacation time transferred to this school system.

Bus drivers and instructional personnel who must be replaced by a substitute may not take earned vacation on days when school is in session for students unless the employee's absence is due to a catastrophic illness and the employee has exhausted all of his or her sick leave. In such instances, the employee will not be required to pay the substitute.

Within any given year, instructional personnel who do not require a substitute may be granted a maximum of five vacation days when students are in attendance. Such days may not be consecutive. Leave will not be granted for days immediately before or immediately following days when students are out of school. Leave will not be granted on mandatory staff development days. An exception to these restrictions may be made when an employee is absent due to a catastrophic illness and the employee has exhausted all of his or her sick leave.

The superintendent shall establish procedures for reviewing requests for the use of vacation leave for catastrophic illness by instructional personnel and bus drivers.

#### **F. CHILD-SCHOOL INVOLVEMENT LEAVE**

All employees may take up to four hours of ~~unpaid~~ leave per year to attend or otherwise be involved in the school of a child for whom the employee is a parent, guardian or person standing in loco parentis. Employees must contact finance department prior to taking leave.

#### **G. PETTY LEAVE**

Petty leave is defined as an absence from work that is generally less than one hour in length and that is not covered by other policies.

Petty leave is awarded only to employees who work not less than five days per week and for not less than seven and one-half hours per day.

The board expects that both the request for petty leave and the granting or denial of a request will be based upon the welfare of the employee and the students.

**H. COMPENSATORY LEAVE**

Because professional employees are expected to fulfill all job duties, compensatory leave should only apply in extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) at a rate of one and one-half hours for every 4 one hour worked in lieu of receiving overtime pay for each hours worked beyond 40 in a given workweek. For the purposes of compliance with the Fair Labor Standards Act, the workweek for school system employees will be from 12:00 a.m. Saturday until 11:59 p.m. Friday. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned if possible. The superintendent or designee may exempt certain employees or categories of employees from this comp time provision when deemed necessary for the proper administration of the school system.

All employees must obtain approval from his or her immediate supervisors before taking compensatory leave.

**I. MILITARY LEAVE**

Employees may take up to 15 workdays of paid military leave during the federal fiscal year, which runs from October 1 through September 30. Paid military leave may be used for: (1) active duty training in the Reserve Components of the U.S. Armed Forces, including the National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air Force Reserve and the Coast Guard Reserve; (2) required physical examinations relating to membership in a reserve component; and (3) regularly scheduled unit assemblies, also referred to as drills. For infrequent special activities in the interest of the state when authorized by the Governor or designee, members of the National Guard may be paid for up to 30 days in addition to the 15 days allowed for training.

**H.J. LEAVE OF ABSENCE WITHOUT PAY**

An employee may be granted a leave of absence without pay for the following reasons and for a period of time of up to one calendar year, renewable at the discretion of the superintendent with approval by from the board:

1. military leave (see also policy es 7520, Family and Medical Leave, and 7530 Military Leave);
2. personal illness in excess of sick leave;
3. family leave (see also policy 7520);
4. professional leave; and

5. other reasons the discretion of the superintendent with the approval of the board.

An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. Except in the case of an emergency, an employee who desires a leave of absence without pay shall provide at least 30 days' notice and shall submit a request in writing to the board stating the beginning and ending dates of the desired leave of absence. The employee is expected to consult with the principal or his or her immediate supervisor. The superintendent may request documentation from the employee in support of his or her request. In determining the length of absence without pay that will be approved, with the exception of military and family leave, 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.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -285. -302.1, -316, -336, -336.1; 16 N.C.A.C. 6C.0401 - .0405; *North Carolina Public Schools Benefits and Employment Policy Manual (2008-2009)*

Cross References: Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

Adopted: May 1, 2000  
Amended: February 2, 2004  
Updated: April 6, 2009  
Updated: March 3, 2010  
Updated: December 8, 2010