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TO: Board of Education

FROM: Kevin Lancaster

DATE: November 6, 2017

SUBJ: Policies for Approval – **First Reading**

Attached you will find proposed policy changes presented for first reading.

These are action items and will require a vote.

I will be available to answer any questions you may have.

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school 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. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
 - a. teachers are encouraged to include weekly a newsletter or email to alert parents of activities in class for the coming week. In addition, emails are encouraged to update parents on progress of students.
2. promotion of responsible parenting;
3. involving parents and guardians in student learning;
4. promotion of volunteering;
5. involvement of parents and guardians in school 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 communication with parents. Teachers are responsible for scheduling conferences with parents.

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

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

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. PARENTAL 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 students in Title I schools shall receive a copy of the system-wide parent and family engagement plan.

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;
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. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);
7. policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure;

8. policy 1740/4010, Student and Parent Grievance Procedure;
9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;
10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);
11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
12. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;
13. a report containing information about the school system and each school, including, but not limited to:
 - a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;
 - b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;
 - c. the percentage and number of students who are:
 - i. assessed,
 - ii. assessed using alternate assessments,
 - iii. involved in preschool and accelerated coursework programs, and
 - iv. English learners achieving proficiency;
 - d. the per pupil expenditures of federal, state, and local funds; and
 - e. teacher qualifications.
14. the grade ~~awarded to~~ **earned by** the school on the most recent annual report card issued for it by the State Board of Education if the **grade was** ~~school received a grade of~~ **a D or F**;

15. supportive services available to students, including guidance, counseling and health services (see policy 3610, Counseling Program);
16. information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where additional information and vaccinations may be obtained;
17. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;
18. how to reach school officials in emergency situations during non-school hours;
19. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);
20. information about the school breakfast program;
21. information about the availability and location of free summer food service program meals for students when school is not in session;
22. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
23. 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;
24. education rights of homeless students (see policy 4125, Homeless Students);
25. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
26. their right to take four hours of 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. that the school system does not discriminate on the basis of race, color, national origin, sexual orientation, gender identity, disability, or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
28. that the school system provides equal access to its facilities, programs and activities

to the Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying); and

29. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

C. 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. Student's participation in programs or services providing information about where to obtain contraceptives or abortion referral services;
2. release of student directory information about his or her child for school purposes or to outside organizations (see policy 4700, Student Records);
3. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
4. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS and reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;
5. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, 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; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse – Reports and Investigations);
6. their child's participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);
7. 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;

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

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);
3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;
8. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720, Surveys of Students);
9. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
10. students' independent access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

Legal References: 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 U.S.C. 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *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; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12; 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), -47(58), -81.25(e+), -81.30, -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -407.16; State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (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), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse – Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Student Fees (policy 4600), 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 Meal 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: April 3, 2012

Updated: January 7, 2013

Updated: June 3, 2013

Updated: December 9, 2013

Updated: December 8, 2014

Updated: August 3, 2015

Updated: December 7, 2015

Updated: November 7, 2016

Updated: June 5, 2017

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

A. SUPERVISION OF STUDENTS

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

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

B. SUPERVISION OF VISITORS

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

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis, as required by law, and to notify the superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately.

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

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

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

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

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

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

2. School Rules

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

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information, and related indicators that warn of impending problems.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

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

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

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

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

6. Reporting Suspicious Behavior

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

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

Every principal is required to investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, and the superintendent or designee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

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

8. Student Behavior Standards

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

Legal References: G.S. 14-208.18; 115C-36, -47, ~~-81.4~~, -105.49, -105.53, -105.54, -166, ~~-167~~, -288, 289.1, -307, -390.3, -391.1, -521, -524, -525; State Board of Education Policies SSCH-000, SCFC005

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior policies (4300 series), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007), available at <http://www2.ed.gov/admins/lead/safety/crisisplanning.html>

Adopted: March 6, 2000

Updated: July 1, 2009

Updated: August 2, 2010

Updated: January 19, 2011

Updated: July 12, 2011

Updated: December 6, 2011

Updated: January 14, 2013

Updated: December 9, 2013

Updated: January 11, 2016

GOVERNING PRINCIPLE – STEWARDSHIP OF RESOURCES

Policy Code: **1800**

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

Board Member Conflict of Interest.....	(policy 2121)
Board Member Compensation and Expenses	(policy 2130)
Goals of the Purchasing Function	(policy 6400)
Ethics and the Purchasing Function.....	(policy 6401)
Organization of the Purchasing Function	(policy 6410)
Continuing Contracts.....	(policy 6425)
Local Purchasing Requirements for Equipment, Materials, and Supplies.....	(policy 6440 6430)
Purchase of Services	(policy 6450)
Goals of Equipment, Materials, and Supplies Services	(policy 6500)
Organization of Equipment, Materials, and Supplies Services.....	(policy 6510)
Use of Equipment, Materials, and Supplies.....	(policy 6520)
Personal Use of Equipment, Materials, and Supplies	(policy 6521)
Use of Equipment, Materials, and Supplies by Non-School Groups.....	(policy 6522)
Instructional Materials Services.....	(policy 6525)
Resource Conservation.....	(policy 6530)
Hazardous Materials	(policy 6540)
Vandalism	(policy 6550)
Employee Travel and Other Expense Reimbursement	(policy 7650)
Employee Conflict of Interest.....	(policy 7730)
Fiscal Goals.....	(policy 8000)
Budget Planning and Adoption.....	(policy 8100)
Grants and Funding for Special Projects	(policy 8210)
Penalties, Fines, and Forfeitures	(policy 8230)
Fiscal Management Standards	(policy 8300)
Federal Grant Administration	(policy 8305)
Depositories	(policy 8320)
Daily Deposits.....	(policy 8325)
Insurance	(policy 8340)
Individual School Accounts.....	(policy 8410)
School Finance Officer.....	(policy 8510)
School Treasurer	(policy 8520)
Facility Design	(policy 9020)
Facility Construction.....	(policy 9030)
Bidding for Construction Work	(policy 9120)
Care and Maintenance of Facilities.....	(policy 9200)
Sale, Disposal, and Lease of Board-Owned Real Property	(policy 9400)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Adoption of Policies (policy 2420)

Adopted: March 6, 2000

Updated: December 5, 2016

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy Code:

2310

Board meetings are conducted for the purpose of carrying on the official business of the school system. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school system, also wishes to provide a forum for citizens to express interests and concerns related to the school system. In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.2 of policy 2300, Board Meetings, which addresses public hearings.

A. REQUESTS TO PLACE ITEM ON THE AGENDA

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request. ~~Additional items may be added to the agenda by the board on a two-thirds vote of the board members.~~

The superintendent shall confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent shall notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) ~~Upon request immediately before or during the meeting, the~~ **At the meeting, the** board may, by majority vote and notwithstanding prior denial by the superintendent, **add an item to the agenda before the agenda is adopted.** ~~consent to hear the party's presentation by adding it to the agenda before the agenda is adopted.~~ After the agenda has been adopted, a two-thirds vote is required to add **a new** ~~the~~ item to the agenda.

The chairperson shall establish the amount of time for individual or group presentations.

B. PUBLIC COMMENT

Each month, ~~a the first~~ part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment. ~~Each speaker will receive three minutes to present comments; however, the public comment session will not exceed 30 minutes total except by majority vote of the board.~~ A sign-up sheet will be available ~~30 minutes before the meeting begins~~ for any individual or group to indicate their desire to address the board. ~~During the public comment period, the board chair will recognize speakers in the order in which they signed in. Substitute speakers will not be permitted and speakers may not donate any portion of their time to another speaker. If a speaker is unable to present all of his or her information within the specified time limit, the speaker may provide the board with the additional information in written form. If an unusually large number of people requests to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a spokesperson for each group of persons supporting or opposing the same positions. The chairperson will decide the amount of time devoted to public comments.~~ At any time, the board may establish ~~The superintendent shall develop~~ additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner. Matters involving personnel or personal student records information will not be permitted in this open public comment session.

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

C. REPORTS OF COMPLAINTS

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: G.S. 143-318.10 and -318.17; 115C-36, -51

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

Adopted: March 6, 2000

Updated: November 13, 2007

Updated: April 6, 2009

Updated: December 7, 2015

Updated: August 7, 2017

The board of education reserves to itself the functions of developing and revising policies for the school system. The formation and adoption of policies will constitute the primary method through which the board exercises its leadership in the operation of the school system. All policy decisions will be made while keeping in mind the board's objective to provide students with the opportunity to receive a sound basic education.

Board policy is applicable to all schools and programs within the school system unless the board directs otherwise in an individual policy. However, unless otherwise directed by the board, the superintendent may exempt any school designated as a restart model authorized by G.S. 115C-105.37B(a)(2) from any board policy requirements that correspond to a state statute or rule from which restart schools are exempted by law.

Legal References: G.S. 115C-36, -47, -105.37B(a)(2); *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: January 11, 2016

The board will receive assistance from a business advisory council in the performance of its duty to provide career and technical education instruction, activities, and services. In accordance with the requirements of state law, the business advisory council will serve the board by identifying economic and workforce development trends related to the training and educational needs of the community and advocating for strong, local career and technical education programs, including career pathway development that provides work-based learning opportunities for students and prepares students for post-secondary educational certifications and credentialing for high-demand careers.

A. COMPOSITION OF THE COUNCIL

The business advisory council will have nine members, including the superintendent or designee, the career and technical education program director, the president of the local community college or designee, and a principal assigned by the superintendent. The career and technical education program director will be a nonvoting member on the council and will serve as secretary to the council. The majority of members on the council will be business, industry, and workforce and economic development stakeholders, and community members (“business and industry representatives”), such as: local business and industry owners; representatives from local manufacturing centers and factories; human resource directors employed at businesses and industries in the community; representatives from community-based organizations; representatives from economic and workforce development organizations; parents of students enrolled in career and technical education courses; or a representative or manager of the local apprenticeship coalition.

B. APPOINTMENT OF BUSINESS AND INDUSTRY REPRESENTATIVES

1. Initial Appointment of Business and Industry Representatives

The board will make the initial appointments of business and industry representatives for terms beginning January 1, 2018. The board will divide the initial appointments into four groups as equal in size as practicable and will designate appointments in group one to serve four-year terms, in group two to serve three-year terms, in group three to serve two-year terms, and in group four to serve one-year terms.

2. Subsequent Appointment of Business and Industry Representatives

a. Reasons for Appointment

As terms expire for business and industry representatives initially appointed by the board, the council will appoint subsequent members to the council for four-year terms. Any vacancy of a business and industry

representative seat will be filled by the remaining members of the council to serve until the end of that seat's term.

At any time the council may decide, by two-thirds majority vote, to add one or more seats to the council. The council will appoint a business and industry representative to the vacant, newly created seat(s). When increasing the council size, the council may adjust the length of the initial term of a newly created seat in order to keep as equal as practicable the number of members whose terms expire each year.

b. Appointment Process

Any individual interested in serving on the council should contact the career and technical education program director and submit a statement of interest. School system employees, board members, and council members are encouraged to recommend individuals who they believe would be positive additions to the council. The superintendent or designee shall make an effort to recruit a diverse field of qualified candidates.

When a business and industry representative's seat is set to expire or is vacant, a committee of at least two council members appointed by the council chair shall interview the candidates. The committee shall provide all council members with the candidate's statement of interest, the interview information, and the committee's appointment recommendations. The council members shall review the materials provided by the committee and, by majority vote, choose a candidate to fill each seat that is set for expiration or is vacant.

When appointing new members, the council should choose candidates who are concerned with the best interests of the students and the local economy and who are willing to devote the time and effort required of council membership. Ideal candidates will have a particular knowledge or expertise or a unique perspective relevant to economic and workforce development trends related to the training and educational needs of the community. Candidates also should be advocates for strong, local career and technical education programs. Preference will be given to candidates who reside within the school administrative unit. Membership on the council must reasonably reflect the education, business, and community makeup of the school administrative unit.

C. OPERATION OF THE COUNCIL

The business advisory council will operate in accordance with G.S. 115C-170. The superintendent shall provide the council with a meeting space and shall assign necessary administrative staff to assist the council. The council shall report back to the board annually on its recommendations for the school system's career and technical education

instruction, activities, and services. Meetings of the council are subject to the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes.

Legal References: G.S. 115C-47(30), -55, -170; 143 art. 33C

Cross References: Compliance with the Open Meetings Law (policy 2320)

Adopted:

GOALS AND OBJECTIVES OF THE EDUCATIONAL PROGRAM

Policy Code: 3000

It is the goal of the board that every student be provided the opportunity to receive a sound basic education and graduate from high school prepared for work, further education, and citizenship. The board recognizes the critical role of parents, governmental and nonprofit agencies, businesses, and the community in helping individual students and the school system meet this goal. To ensure that the educational program meets rigorous academic standards, the board will strive to maintain accreditation of its schools by AdvancED and/or the State Board of Education.

A successful educational program also depends on innovation at the individual school level. The board is committed to allowing administrators at individual schools to develop and implement plans necessary to ensure the educational success of their students.

The board will provide an educational program that offers students the opportunity to receive a sound basic education. The program will meet statewide instructional standards as prescribed by the State Board of Education. The board believes that the administrators of the educational program must strive to provide each student with the opportunity to:

1. develop sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics, and physical science to function in a complex and changing society;
2. develop sufficient knowledge of geography, history, and basic economic and political systems to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;
3. develop sufficient academic and ~~vocational~~ career and technical skills to successfully engage in post-secondary ~~or advanced or highly skilled career and technical~~ education ~~or vocational training~~ and to compete on an equal basis with others in further formal education or gainful employment in contemporary society;
4. learn to be responsible for and accept the consequences of his or her conduct and academic performance;
5. develop the capacity to examine and solve problems;
6. foster respect and appreciation for cultural and ideological diversity and differences;
7. develop the ability to be productive in a team environment;
8. learn and acquire the skills necessary for a lifetime of continuous learning and adaptation to change in the workplace and society;
9. prepare for challenging curriculum beyond secondary school and, when appropriate,

- complete high school courses required for college entry in less than four years;
10. achieve high levels of success in a rigorous curriculum;
 11. acquire the skills needed for technological literacy in a rapidly changing world; and
 12. remain in school and earn a high school diploma and, when appropriate, earn additional college credit.

These goals and objectives of the educational program will be used to guide administrators, teachers, and the board in all of their duties, including curriculum development, selection of materials, and issues related to instructional time.

Legal References: G.S. **115C art. 8 pt. 1**; 115C-12(32), -12(39), -36, -47, -**1518**~~1~~; *Leandro v. State*, 346 N.C. 336 (1997); State Board of Education Policies GRAD-006, SCOS-016

Cross References: Board Authority and Duties (policy 1010), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Counseling Program (policy 3610)

Adopted: March 6, 2000

Updated: June 1, 2009

Updated: January 11th, 2016

The board recognizes that curriculum development must be an ongoing process in order to address continually the changing needs and diversity of all students and to fulfill the educational goals of the board. The board further recognizes that while educators must be responsible for developing the curriculum, parents, other governmental agencies, businesses and members of the public have valuable insights in the type of curriculum needed.

A. CURRICULUM DEVELOPMENT

The curriculum will be developed to meet state and board requirements, using the current statewide instructional standards as a foundation. The superintendent shall establish a curriculum committee to coordinate curriculum planning and ensure that the curriculum is aligned with the current statewide instructional standards and includes subject-area competencies for each grade level. The committee must include central office administrators, teachers and school administrators representing the various schools and grade levels. Teachers should receive appropriate training so that they may participate in curriculum development. The committee also must seek input from parents, the community and experts in order to make fully informed decisions.

The superintendent shall direct the committee to review periodically the curriculum content used in courses addressing the founding principles of our nation. ~~to ensure compliance with G.S. 115C-81(g)~~

The committee may recommend that the board expand subject areas and objectives of the curriculum to meet the educational goals of the board and state and federal laws. The committee also may recommend eliminating subject areas or objectives that are not state required or related to the educational goals of the board.

B. CURRICULUM MODIFICATION BY INDIVIDUAL SCHOOLS

The principal is the instructional leader of the school and is responsible for determining whether the curriculum meets the needs of the students of the school. Accordingly, the principal or his or her designee may consider modifying the curriculum.

If a school official wishes to modify the curriculum, he or she may submit its proposal to the central curriculum committee. Unless the curriculum committee has significant concerns about the proposal, the committee will approve the changes so long as the curriculum maintains continuity. After being approved by

the curriculum committee, the proposal must be submitted to the board for approval as a part of the school improvement plan process, if the modifications include: (1) expanding or reducing the subject areas or objectives, (2) eliminating subject areas or objectives not required by the state, or (3) waiving local board policies. The curriculum committee shall ensure that the curriculum continues to be aligned with the current statewide instructional standards.

C. EVALUATION

The superintendent shall ensure that the methods for meeting curriculum objectives are regularly evaluated for their effectiveness. The board also encourages external curriculum audits by professional curriculum assessors.

Legal References: G.S. **115C art. 8 pt. 1**; 115C-47,~~81~~

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430)

Adopted: March 6, 2000

Updated: August 3, 2009

Updated: June 3, 2013

Updated: December 9, 2013

Updated: June 1, 2015

The board welcomes new and innovative ideas in curriculum as additional opportunities to achieve the goals and objectives of the educational program. The school district and individual schools are encouraged to pursue innovative programs and to take advantage of community resources in order to enhance and enrich the learning process. In addition, the board believes that parental involvement is vital to the development and implementation of new programs and encourages the school district and schools to actively involve parents in innovative projects.

The board encourages schools to use resources in the community, including businesses, which can effectively contribute to the advancement of educational goals. Resource persons in the community may be used in the classroom to help with teaching the prescribed curriculum. High school administrators are encouraged to partner with local businesses to facilitate high school-to-work partnerships for students who have indicated that they are unlikely to seek higher education. The board encourages local businesses to work with high school administrators to create opportunities for students to complete job shadows, internships or apprenticeships. The career and technical education administrator shall designate a career development coordinator at each high school to be the contact person for local businesses.

The superintendent shall periodically consult with local industries, employers, business advisory councils, and the local workforce development board to identify industry certification and credentials the board may offer to best meet workforce needs. The superintendent shall consider this information in planning the educational program.

Other innovative pilot programs may be initiated by any school with the approval of the superintendent. Such programs should be included in the proposed school improvement plan. If the program will modify the curriculum, the proposal should first be submitted to the curriculum committee in accordance with board policy 3100, Curriculum Development. If a school improvement plan already is in effect, the school may submit a modified plan for board approval. Board approval is required before implementation can take place.

All pilot projects and educational programs will follow state and federal laws and regulations. Parents and guardians of children in the applicable programs which are federally funded have the right to inspect all instructional materials used in connection with such programs.

The superintendent will develop administrative regulations, as necessary, to implement this policy.

Before any teacher or school initiates or implements any experimental program of study or activity representing a marked departure from established practice, such proposal must be recommended by the principal to the superintendent of schools for approval.

INNOVATION IN CURRICULUM AND INSTRUCTION

Policy Code:

3110

This policy is not intended to discourage schools from developing innovative programs. It establishes the procedure by which they should be implemented.

Legal References: 20 U.S.C. 1232h; G.S. 115C; art. 16, 115C; -36, -47, -156.2(a), -157

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), School Improvement Plan (policy 3430)

Adopted: March 6, 2000

Updated: December 5, 2011

TECHNOLOGY IN THE EDUCATIONAL PROGRAM

Policy Code:

3220

In alliance with state school technology goals, the board is committed to establishing and supporting 21st century information and communications technology systems to foster globally competitive, healthy, and responsible students. The board recognizes the benefits of digital and technology-enabled teaching and learning resources that provide the ability to easily customize curriculum, provide access to current information, and enable access to quality materials at a lower cost than traditional materials. To that end, the board ~~supports~~ ~~intends to move to~~ classroom digital and technology-enabled teaching and learning resources that are aligned with the current statewide instructional standards as they become available. In addition, to the extent funding permits, the board will endeavor to ensure that all students have access to personal digital and technology-enabled teaching and learning devices to foster the 21st century skills necessary for future-ready learners.

The board expects that information and communications technologies will be integrated across the curriculum and used to support student achievement. Such technologies will also be used to support programs and activities that promote safe schools and healthy and responsible students. The curriculum committee should provide suggestions in the curriculum guides referenced in policy 3115, Curriculum and Instructional Guides, for integrating technological resources (as defined in Section A below) into the educational program. School administrators and teachers are encouraged to develop additional strategies for integrating technological resources across the curriculum and utilizing the power of technology to improve learning outcomes while making more efficient use of resources. The strategies should be included in the school improvement plan if they require the transfer of funds or otherwise relate to any mandatory or optional components of the school improvement plan.

The superintendent shall integrate digital planning to support teaching and learning needs into school system strategic planning efforts and include various stakeholders such as curriculum leaders, teachers, administrators, and representatives from technology services, instructional technology, finance, and other departments as required.

The superintendent shall establish relationships with businesses and seek grants and other funding sources in an effort to acquire technological resources for the educational program.

A. SELECTION OF TECHNOLOGICAL RESOURCES

Technological resources include, but are not limited to, the following: (1) hardware, including both fixed and mobile technologies and devices such as desktop computers, laptops, netbooks, tablets, e-readers, ~~PDA's~~, smartphones, and gaming devices; (2) software; (3) network and telecommunications systems and services; (4) Internet access; (5) multimedia equipped classrooms; (6) computer classrooms and laboratories; and (7) other existing or emerging mobile communications systems. All technological resources must be purchased and used in a manner consistent with applicable law and board policy, including laws and policies related to copyright, public records, bidding, and other

purchase requirements, accessibility for students with disabilities, staff duties, and standards for student behavior.

Technological resources must meet or exceed the following standards before they may be considered for implementation.

1. Technological resources must support the Common Core State and North Carolina Essential Standards or the programs of the school system.
2. Technological resources must support the current use of learning and instructional management technologies in the school.
3. Technological resources must be compatible with the condition of the network and other infrastructure resources. The technology director shall set minimum standards for technological resources that are purchased or donated. Upgrading, hardware conditions, and similar requirements must be maintained to the highest standards.
4. There must be sufficient staff to operate and maintain the technological equipment, programs, and systems.
5. There must be adequate funds budgeted to implement and support the technological resources and to train instructional staff to use the resources to improve educational outcomes.

B. DEPLOYMENT OF TECHNOLOGY TO SCHOOLS

The superintendent shall oversee the development of the school system's technology deployment plan. The plan will be designed to ensure organized, effective, and efficient means of deploying new information and communications technologies. The superintendent/designee shall develop procedures that outline the strategy of the technology deployment plan.

C. BRING YOUR OWN TECHNOLOGY (BYOT) INITIATIVE

The superintendent is authorized to investigate and develop a plan to allow staff and students the option to use their personal electronic devices in place of or along with their school system assigned devices. The plan should address, at a minimum, the instructional use of personal devices, compatibility requirements, access limitations or requirements, content filtering, security, and other issues as recommended by the technology director. The plan should assign personal responsibility to the user for repair and replacement of damaged or stolen devices and for any data or other charges arising from use of a personal device. The plan should require a written agreement for the use of personal technology devices from each student and staff member who wishes to participate in the BYOT initiative. The plan should ensure that students who are unable to bring in outside technology will be able to access and utilize school equipment so that no student is

excluded from instruction due to lack of access to technology.

D. ELECTRONIC COMMUNICATION AND OTHER COLLABORATIVE TOOLS

The superintendent is authorized to permit instructional personnel to incorporate social networking sites, blogs, wikis, video sharing sites, podcasts, video conferencing, online collaborations, ~~PDA's, IMing~~ instant messaging, texting, virtual learning environments, and/or other forms of direct electronic communications or Web 2.0 applications for educational purposes to the extent the superintendent deems appropriate and in accordance with policy 7335, Employee Use of Social Media. The superintendent shall establish parameters and rules for use of these tools and shall require instruction for students in how to use such tools in a safe, effective, and appropriate way. Instructional personnel shall make all reasonable attempts to monitor student online activity and shall otherwise comply with the requirements of policy 3225/4312/7320, Technology Responsible Use, when using these tools.

E. TECHNOLOGY-RELATED PROFESSIONAL DEVELOPMENT

The superintendent shall plan a program of technology-enabled professional development that prepares the instructional staff for utilizing digital tools and resources. Professional development shall emphasize technology integration and continuous improvement, including the use of ongoing technology-integrated online-learning activities throughout the course of study. Professional development shall also address the ethical, legal, and practical issues related to social networking and mobile devices in the classroom and other topics deemed necessary by the superintendent or technology director. School improvement teams should identify any staff development appropriations for technology-related professional development in their school improvement plans. The superintendent and technology director should assist schools in coordinating staff development needs as provided in policy 1610/7800, Professional and Staff Development.

Legal References: G.S. 115C-522; ~~147-33.111~~ 143B-1341; State Board of Education Policy SBOP-018

Cross References: Professional and Staff Development (policy 1610/7800), Curriculum and Instructional Guides (policy 3115), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), School Improvement Plan (policy 3430), Integrity and Civility (policy 4310), Public Records – Retention, Release, and Disposition (policy 5070/7350), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Gifts and Bequests (policy 8220)

Other References: North Carolina State School Technology Plan (Division of Instructional Technology) (current version)

Adopted: March 6, 2000

Updated: April 6, 2009

Updated: March 2, 2010

Updated: January 14, 2013

Updated: June 1, 2015

The board recognizes and supports the limitations on unauthorized duplication and use of copyrighted materials. The board does not condone any infringement on the property rights of copyright owners.

Employees, students and visitors are prohibited from the use of duplication of any copyright materials not allowed by copyright law, fair use guidelines sanctioned by Congress, licenses or contractual agreements. Willful or serious violations also are considered to be in violation of expected standards of behavior for employees and students and may result in disciplinary action in accordance with board policy.

A. FAIR USE

1. Unless allowed as “fair use” under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:
 - a. the purpose and character of the use;
 - b. the nature of the copyrighted work;
 - c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and
 - d. the effect on the use upon the potential market for, or value of, the copyrighted work.
2. The superintendent or designee shall provide information and training to Personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
 - a. single and multiple copying for instructional purposes;
 - b. copying for performances and displays;
 - c. off-air recording of copyrighted programs;
 - d. use of “for home use only” videotapes or DVDs;
 - e. computer software;
 - f. copyrighted materials on the Internet and on-line databases; **and**
 - g. reproduction and loan of copyrighted materials by school media centers; **and**
 - h. **preparation of educational multimedia projects using portions of copyrighted works.**

B. BUDGET

The budget recommended by the superintendent to the board will include sufficient funds for purchasing copyrighted materials as a necessary budget expense.

Legal Reference: 17 U.S.C. 101, 102, 106, 108, 110, 117

Cross Reference: Technology in the Educational Program (policy 3220), Technology [Acceptable Responsible](#) Use (policy 3225/4312/7320), Integrity and Civility (policy 4310), Network Security (policy 6524), Staff Responsibilities (policy 7300), Budget Planning and Adoption (policy 8100)

Adopted: March 6, 2000

Updated: August 3, 2009

The board believes that time is a variable in the educational process and that children may need different amounts of instructional time in order to fulfill the educational goals and objectives of the board. The board also recognizes that the school day and school year should be planned in such a manner as to facilitate student learning and to permit an accurate assessment of student achievement in scheduled testing periods.

A. INSTRUCTIONAL TIME

Interruptions of instructional time and time off task must be kept to a minimum. The principal is responsible for ensuring that instructional time is maintained and protected in the school schedule. Each teacher is responsible for ensuring optimal use of instructional time in his or her classes. School personnel are encouraged to seek creative means of reducing transitional time and scheduling non-instructional activities. A proposal for alternative scheduling of classes or other such strategies may be a part of a school improvement plan.

B. SCHOOL DAY

The length of the school day may vary from school to school if approved by the board of education. The “instructional” day includes only those hours a student is assigned to a teacher for the primary purpose of instruction. Breaks in the instructional day for changing classes, homeroom, lunch, pep rallies and similar non-instructional activities are not part of the instructional day and may not be counted towards the minimum instructional hours requirement established in Section D, below.

C. OPENING AND CLOSING DATES

Except for year-round schools or schools operating under a modified calendar, the opening date for students will be no earlier than the Monday closest to August 26, and the closing date for students will be no later than the Friday closest to June 11.

The school board may offer supplemental or additional educational programs or activities outside the adopted school calendar.

Upon a showing of good cause, as defined by G.S. 115C-84.2(d), the board will seek a waiver of the opening date from the State Board of Education.

D. SCHOOL CALENDAR

The school calendar in all schools will be for 215 days and will provide for a minimum of 185 days or 1025 hours of instruction covering at least nine months. A school “month” is defined as 20 days of instruction. If school is closed early due to inclement weather, the

day and the number of instructional hours originally scheduled may count towards the required minimum number of instructional days or hours. As funding permits, the board may pursue increasing the number of instructional hours or days, at least for those students who need more time to learn the curriculum.

The board may initiate or review recommendations from the superintendent or a school improvement team for modifying the traditional school calendar to a year-round calendar. The superintendent and individual schools are encouraged to obtain input from teachers and other personnel as well as from the community in developing proposals for modifying the school calendar. A year-round school may be included as a part of a school improvement plan.

Any calendar adopted by the board will be consistent with the following requirements.

1. The calendar will consist of 215 days and shall meet state requirements for the minimum instructional days and/or the minimum instructional hours.
2. At least 10 of the days on the calendar will be designated as annual vacation leave days.
3. The calendar will include the same or an equivalent number of legal holidays as those designated by the State **Personnel Human Resources** Commission for State employees, including Veteran's Day if it falls on a weekday.
4. School will not be scheduled on Sundays.
5. The total number of workdays for teachers employed for a 10-month term will not exceed 195 days.
6. The calendar will designate "instructional" days, when students must be present.
7. The remaining days will be scheduled by the board, in consultation with school principals, as "flexible" days, for use as teacher workdays, additional instructional days or other lawful purposes. Before scheduling these "flexible" days, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled.
8. Of the "flexible" days described in subsection D.7, the board will designate at least two days as protected days on which teachers may take accumulated vacation leave. All other "flexible" days may be designated as days on which teachers may take accumulated leave, but the board will give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.
9. The board may, due to school closings because of inclement weather or other

reasons, use any of the “flexible” days designated in subsection D.7 above as make-up days for those instructional days that were missed. If necessary, these make-up days may be scheduled after the last day of student attendance. If either of the two protected days described in subsection D.8 above are scheduled as a make-up day, teachers may take accumulated vacation leave on the make-up day and will not be required to work.

10. If the school calendar requires students to attend on Memorial Day, each principal shall ensure that **students are instructed on** the significance of Memorial Day ~~is recognized in the school~~ on that day. If students are not scheduled to attend school on Memorial Day, ~~recognition of instruction on~~ the significance of Memorial Day will be provided at another time ~~as part of the citizenship curriculum (see policy 3530, Citizenship and Character Education).~~
11. If the school calendar requires students to attend school on September 17, which is Constitution **Day** and Citizenship Day, each principal shall ensure that **an educational program about the signing of** the United States Constitution is ~~commemorated held~~ in the school on that day. If students are not required to attend school on September 17, the principal shall ensure that ~~Constitution and Citizenship Day such a program~~ is ~~held commemorated~~ during the **week** preceding or following **Constitution Day and Citizenship Day week** ~~(see policy 3530, Citizenship and Character Education).~~
12. **The month of November shall be designated “Veterans’ History Awareness Month.”**

Legal References: **P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d); G.S. 115C-12(33), -36, -47, -84.2, -105.21(b)(2), -238.31, -288;** State Board of Education Policy BEPL-001; *N.C. Employment Benefits and Policy Manual* (most current version), North Carolina Department of Public Instruction, available at <http://www.ncpublicschools.org/district-humanresources/key-information>

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430), Citizenship and Character Education (policy 3530)

Adopted: March 6, 2000

Updated: June 1, 2009

Updated: December 5, 2011

Updated: January 14, 2013

Updated: June 1, 2015

The board recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all course unit requirements ~~mandated by the State Board of Education, as described in Section A (see Section A); and~~
2. successful completion of cardiopulmonary resuscitation instruction. ~~and~~
3. ~~successful completion of all other requirements mandated by the board as provided in this policy.~~

The principal shall ensure that students and parents are aware of all graduation requirements. Guidance program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school, or who for other reasons have completed course work outside of the school system, the principal shall determine what course work will be applied as credit for graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and the requirements of subsection D.3 of this policy in determining the graduation requirements for children of military families.

A. COURSE UNITS REQUIRED

All students must fulfill the course unit requirement of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The table in subsection A.1 lists the course unit requirements for the Future-Ready Core Course of Study applicable to students who entered ninth grade for the first time during the 2013-2014 school year or thereafter. Students who entered the ninth grade for the first time before 2013-2014 school year should consult their guidance counselor to determine applicable course unit requirements for graduation.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future Ready Core Course of Study completed while in middle school, as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board endeavors to keep its policy up to date with current state Board of Education graduation requirements, students should verify current requirements with their guidance

counselors when planning course schedules or making other decisions based on graduation requirements.

1. Future Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2013-2014 and After.

Graduates must also complete this course of study as part of the 28 credits required for graduation, unless a differentiated diploma has been approved under policy 3460-R.

Courses Required *	State Requirements	Local Requirements
English	4 sequential (English I, II, III and IV)*	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans. ** (A principal may exempt a student from this math sequence. The exempt student will be required to pass NC Math 1, 2 and- two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology; and earth/environmental science)	
Social Studies	4 (including American History; Founding Principles, Civics and Economics American History Parts I and II and World History)****	
Health/PE	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended)*****	As part of the 6 elective credit requirement, All students beginning with the freshman class of 18-19 must earn the Career Management Credit*****
Total Credits	22	6 Additional earned credits from any of the above subjects

*Certain international Baccalaureate (IB), [and](#) Advanced Placement (AP), [and](#) Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE policy GCS-L-008

**Students entering ninth grade for the first time prior to the 2014-2015 school year have alternate math course options. See SBE policy GCS-N-004

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math III as a prerequisite. The math options chart is available at

<http://maccss.ncdpi.wikispaces.net/file/view/Math%20Options%20Chart%209.5.2014.pdf/522504358/Math%20Options%20Chart%209.5.2014.pdf>

****American History: Founding Principles, Civics and Economics must follow the North Carolina Standard course of Study (NCSCOS) in its entirety and may not be satisfied by an AP/IB/CIE course, dual enrollment, or any other course that does not fully address the NCSCOS.

***** Students seeking to complete minimum course requirements for UNC universities must complete two **credits of a single world language** ~~years of a second language~~.

***** Career Management Credit: Prepares students to keep, secure and change careers. Provides students with procedures to manage the challenges of personal finances.

2. Future-Ready Occupational Course of Study Credits Required (only available to certain students with disabilities who have an IEP)

Courses Required	State Requirement	Local Requirements
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I I , and Financial Management	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History: Founding Principles, Civics and Economics; and American History I and- or American History II)	
Health/PE	1	
Career/Technical	4 (Vocational Career/Technical Education electives)	
Occupational Preparation	6 (including Occupational Preparation I, II, III and IV, which requires 150 hours of school-based training, 225 hours of community-based training and 225 hours of paid employment	
Electives	0	
Other Requirements	<ul style="list-style-type: none"> • Completion of IEP objectives • Career Portfolio 	
Total Credits	22	

*Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment.

B. HIGH SCHOOL FINAL EXAMS AND END OF COURSE TESTING

High school students must take all required end-of-course (EOC) tests, NC Final Exams, and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

C. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation:

1. Honor Graduates

Honor graduates may be designated by principals on the basis of criteria established by the superintendent. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

3 Children of Military Families

In order to facilitate the on-time graduation of children of military families, the board adopts the following policy provisions for students covered by the Interstate Compact on Educational Opportunity for Military Children.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that graduation may occur on time.

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning or during his

or her senior year is ineligible to graduate from the school system after all the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with the sending school system to ensure that the student will receive a diploma from the sending board of education.

4. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the board upon recommendation by the superintendent.

5. Graduation Certificate

Graduation certificates will be awarded to students in compliance with the policies of the State Board of Education.

6. Diploma Endorsements

Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study; (1) Career Endorsement, (2) College Endorsement (two options), and/or (3) North Carolina Academic Scholars Endorsement and/or (4) a Global Languages Endorsement. No endorsement is required to receive a diploma.

Legal References: G.S.115C-12(40)47, -81.25(c)(10)(c), -81.45(d)(1), -174.11, -276, -288, -407.5; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: March 6, 2000

Amended: June 4, 2007

Updated: June 1, 2009

Updated: December 7, 2009

Updated: May 3, 2010

Updated: November 3, 2010

Updated: September 14, 2011

Updated: January 14, 2013

Updated: June 3, 2013

Updated: June 3, 2014

Updated: October 6, 2014

Updated: June 1, 2015

Updated: December 7, 2015

Updated: November 7, 2016

Updated: January 9, 2017

The board encourages all students to develop an understanding of citizenship, including the importance of a citizen's rights and responsibilities. ~~At a minimum, the citizenship curriculum will incorporate the civic literacy requirements of the Basic Education Plan and any statutory requirements regarding the recitation of the Pledge of Allegiance and the display of flags. In addition, within the timeframe established by state requirement, the high school curriculum will meet all state standards for teaching individual responsibility and other historical founding principles of our nation.~~

~~BOARD CITIZENSHIP REQUIREMENTS AND OPTIONS~~

The curriculum committee established in policy 3100, Curriculum Development, shall develop the curriculum ~~regarding~~ to include citizenship instruction. ~~At a minimum, the curriculum will incorporate all statutory and State Board of Education requirements concerning civics, citizenship, and character education~~ In addition to meeting any state requirements, the ~~citizenship~~ curriculum also should be designed to reinforce the student behavior management plan.

The curriculum ~~may~~ will include ~~addressing~~ character ~~education instruction traits~~ as ~~provided in the Basic Education Plan required by G.S. 115C-81.60. Such instruction should address~~ The character traits ~~may~~ include ~~ing~~, but ~~are~~ not limited to, courage, good judgment, integrity, ~~civility~~, kindness, perseverance, ~~respect~~, responsibility, ~~and tolerance~~, self-discipline, ~~as well as responsibilities such as~~ respect for school personnel, responsibility for school safety, service to others and good citizenship.

The ~~citizenship~~ curriculum ~~also~~ must require that: ~~(1) the United States and North Carolina flags be displayed in each classroom, when available; (2) recitation of the Pledge of Allegiance be scheduled on a daily basis; (3) appropriate instruction be provided on the meaning and historical origins of the North Carolina and United States flags and the Pledge of Allegiance and may include guidelines for the use and display of the North Carolina and United States flags. (4) Constitution and Citizenship Day be observed on September 17 to commemorate the signing of the United States Constitution or be observed the preceding or following week if students are not in school on September 17 and (5) appropriate instruction and/or recognition be provided concerning the significance of Memorial Day. Any North Carolina or United States flags donated or otherwise made available will be displayed in each classroom, and recitation of the Pledge of Allegiance will be scheduled on a daily basis.~~

~~The citizenship curriculum also may include appropriate instruction on the rights and responsibilities of citizenship, guidelines for the use and display of the North Carolina and United States flags.~~ Curriculum providing for the display of flags must provide that students will not be compelled to stand or salute the flag. The ~~curriculum~~ principal providing for the opportunity to recite the Pledge of Allegiance must ensure that no student ~~will be~~ is compelled to recite the Pledge of Allegiance or otherwise feel coerced to participate. ~~In addition, the citizenship~~ The curriculum may encourage teachers to use the recitation of the Pledge of

Allegiance as an opportunity to teach students about the history concerning coercion and the importance of the First Amendment to the Bill of Rights. ~~Any flags donated or made available must be displayed in the classrooms.~~

All schools will commemorate Constitution Day and Citizenship Day and also Memorial Day. If students are in attendance on September 17, which is Constitution Day and Citizenship Day, an educational program about the United States Constitution will be held. If students are not in attendance on September 17, the program will be held during the week preceding or following September 17. Likewise, if students are in attendance on Memorial Day, they will receive instruction on the significance of Memorial Day. If students are not in attendance on Memorial Day, instruction on the significance of Memorial Day will be provided at another time.

~~Furthermore, the citizenship~~ The curriculum may include for middle school and high school students a community volunteer service requirement in order to demonstrate the value and effectiveness of volunteer contributions to the community. ~~To be approved by the board, the curriculum (1) must provide s~~Students shall receive with sufficient notice of any community volunteer service requirement approved by the board. ~~the service requirement; (2) must provide students enough options to meet the interests and transportation needs of the students; and (3) must not infringe on the constitutional rights of students by compelling or coercing a student to hold a particular viewpoint on volunteerism.~~

Legal References: P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d); G.S. 115C-12(33), -47(29a), -81.45, -81.60 ~~(g), (h), (h1); N.C. Session Law 2011-273~~

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100)

Adopted: March 6, 2000

Updated: June 1, 2009

Updated: December 5, 2011

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school system will meet the requirements of **state law and the objectives established by the State Board of Education** ~~the Basic Education Program (BEP), G.S. 115C-81(e1), and aligned state-adopted standards~~. The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

A. COMPREHENSIVE HEALTH EDUCATION PROGRAM

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.

As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, **the effectiveness of** contraceptive methods ~~for~~ **in** preventing pregnancy, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.

B. PARENTAL OPPORTUNITIES TO REVIEW MATERIALS AND WITHHOLD CONSENT FOR STUDENT PARTICIPATION

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the principal or designee shall notify parents of the opportunity to review the materials and objectives that will be used in instruction. A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught.

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness. Parents may also withhold consent to student participation in other separate

instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy. Any parent wishing to withhold consent must do so in writing to the principal.

C. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law.

A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.

Legal References: G.S. 115C art. 9; 115C-36, -81.25, -81.30(e1); *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policy SCOS-007

Cross References:

Adopted: January 11th, 2016

EXTRACURRICULAR ACTIVITIES AND STUDENT ORGANIZATIONS

Policy Code: 3620

The board recognizes the value of interscholastic athletics and extracurricular activities in promoting leadership and team skills, practicing democratic principles, and encouraging the lifelong learning process. Students are encouraged to participate in opportunities available at the school, including interscholastic athletics and student organizations. All activities are open to all students enrolled in Montgomery County Schools and attending that school unless a restriction is justified and has been approved by the principal. The principal shall ensure that students and parents are notified of the various opportunities for participation in extracurricular activities. The principal shall establish any rules necessary for school- and student-initiated extracurricular activities.

A. EXTRACURRICULAR ACTIVITY REQUIREMENTS

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students enrolled in Montgomery County Schools who are in good academic standing who meet behavior standards established by the board and the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has exceeded the number of absences allowed by policy 4400, Attendance; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. In addition, in order to be eligible for interscholastic athletics participation, the student athlete must meet all applicable eligibility standards of the North Carolina High School Athletic Association, the North Carolina Department of Public Instruction, and any locally established requirements for interscholastic athletics participation. Students in the sixth grade are [eligible to participate in all interscholastic athletics except football].

School administrators choosing to exercise the authority to restrict participation based upon any of the reasons provided in the previous paragraph shall provide this policy and any additional rules developed by the superintendent or the principal to all parents or guardians and students. The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

B. SPECIAL CIRCUMSTANCES

1. Students with disabilities must be accorded the legal rights required by federal and state law.
2. School administrators shall facilitate the inclusion and participation of transitioning military children in extracurricular activities, to the extent they are otherwise qualified, by:

- a. providing information about extracurricular activities to transitioning military children; and
 - b. waiving application deadlines.
3. **Montgomery County High School students attending the Montgomery County Early College on the campus of Montgomery Community College will be allowed to participate in athletics at their “home” school.**

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-47(4), -390.2, -407.5; State Board of Education Policy ATHL-001; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; N.C. High School Athletic Association Handbook; Middle/Junior High School Athletic Manual (NCDPI), available at <http://www.ncpublicschools.org/curriculum/healthfulliving/athletics/>

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military Families (policy 4050), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

Adopted: March 6, 2000

Updated: June 1, 2009

Updated: May 4, 2010

Updated: June 1, 2015

Updated: June 6, 2016

Updated: November 7, 2016

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms “staff” and “employees” include independent contractors and school safety officers, but do not include student employees.

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct shall be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy
2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.
3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with the students without prior approval of the employee's supervisor and the student's

parent. This rule shall not apply, however, if one or more of the following circumstances exist:

- a. The communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications), and (3) occurs after the employee has given prior notice to his or her supervision or designee that such communications will occur;
- b. The communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;
- c. The communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or
- d. The communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor on any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.
5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:
 - a. The content, frequency, subject, and timing of the communication(s);
 - b. Whether the communication(s) was appropriate to the student's age and maturity level;
 - c. Whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;
 - d. Whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
 - e. Whether the communication(s) created a disruption of the educational environment; and

- f. Whether the communication(s) harmed the student in any manner.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

Any employee, who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

- a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;
- b. that another employee has engaged in other behavior prohibited by this policy; or
- c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy, 4335, Criminal Behavior.

4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personal administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of the any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a child or causing a child to commit a sexual act, regardless of consent and the age of the child. Failure to report such conduct may result in the suspension or revocation of an

administrator's license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse – Reports and Investigations, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18); 16 N.C.A.C. 6C.0312, .0601, .0602; State Board of Education Policies EVAL-014, LICN-007, NCAC-6C.0312-0601

Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse – Reports and Investigations (policy 4240/7312) Criminal Behavior (policy 4335), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted: April 10, 2000

Updated: April 6, 2009

Updated: August 3, 2010

Updated: December 7th, 2015

Updated: November 7, 2016

A. GENERAL AUTHORITY

The principal has the authority to assign students to classes, subject to applicable legal requirements. The principal is encouraged to seek input from the professional staff in making these decisions. Parents may submit to the principal written requests for assignment or reassignment of their children so long as the parents provide a compelling reason for the request. The principal shall consider parental requests in assigning students to classes. Unless otherwise required by law or the special circumstances described below, the principal shall balance any individual request for assignment or reassignment against the welfare of other students and the efficient operation of the school.

B. SPECIAL CIRCUMSTANCES**1. Multiple Birth Siblings**

School officials will defer to parental preference in making the initial classroom assignment of multiple birth siblings to the extent provided in this section and applicable state law. “Multiple birth siblings” means twins, triplets, quadruplets, or other siblings resulting from a multiple birth.

a. Consultative Meeting with the School Principal

The parent or guardian of multiple birth siblings who are assigned to the same grade level and school may request a consultative meeting with the principal to consider whether to initially place the siblings into the same classroom or into separate classrooms. The request must be made no later than five days before the first day of each school year or, if the students are enrolled after the school year starts, five days after their first day of attendance.

At the meeting, the parent may request either that the students be placed (1) into the same classroom; or (2) into separate classrooms. School officials may offer professional educational advice to the parent or guardian and may recommend an appropriate classroom placement for the students.

b. Initial Classroom Placement

Following the meeting, the principal shall place the students in accordance with the parent or guardian’s request unless doing so would require adding an additional class at the students’ grade level.

This section shall not otherwise limit the principal’s authority to determine the specific classroom assignment(s) for multiple birth siblings, including

the students' assignment to a specific teacher or team.

c. Change to Initial Classroom Placement

The principal may change the initial classroom assignment of one or more multiple birth siblings in the following circumstances:

- 1) the principal, in consultation with the students' classroom teacher(s), determines at the end of the first grading period that the requested placement is disruptive to the school; or
- 2) the principal determines that one or more of the multiple birth siblings must be removed from a classroom pursuant to any board discipline policy, school rule, and/or the Code of Student Conduct.

2. Newly Enrolled Children of Military Families

The principal shall comply with the requirements of the Interstate Compact for Military Children (G.S. 115C-407.5) when making class assignments for children of military families, as defined in policy 4050, Children of Military Families.

a. Course Placement

When a student transfers before or during the school year, school administrators shall initially honor placement in educational courses based on the student's enrollment in his or her sending school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, **Cambridge International Examination Courses**, and career and technical education (CTE) pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are to be primary concerns when considering the student's course placement.

b. Educational Program Placement

For a newly enrolled student, school administrators shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in similar programs in the sending state. Such programs include, but are not limited to, academically or intellectually gifted (AIG) programs and English as a Second Language programs.

c. Special Education Services

In compliance with the Individuals with Disabilities Education Act, school

administrators shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, school administrators shall make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, in order to provide the student with equal access to education. This accommodation does not preclude school administrators from performing subsequent evaluations to ensure appropriate placement of the student.

d. Placement Flexibility

The board authorizes and directs the superintendent and school administrators to be flexible in waiving course or program prerequisites or other preconditions for placement in courses or programs offered by the school system.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; G.S. 115C-36, -83.1G, -288, -366.3, -366.4, -390.7, -407.5

Cross References: Children of Military Families (policy 4050)

Adopted: April 10, 2000

Updated: May 4, 2009

Updated: April 3, 2012

Updated: January 14, 2013

Updated: June 5, 2017

CHILD ABUSE - REPORTS AND INVESTIGATIONS

Policy Code: 4240/7312

The board of education supports all employees who in good faith make a report of suspected child abuse, neglect, dependency or death as a result of maltreatment.

Any school employee who knows or has cause to suspect child abuse, neglect, dependency or death as a result of maltreatment is legally required to report the case of the child to the director of social services. The employee also shall report the case immediately to the principal.

Any doubt about reporting a suspected situation shall be resolved in favor of reporting, and the report shall be made immediately. A school employee is immune by statute from any civil and/or criminal liability when reporting in good faith suspected child abuse, neglect, dependency or death as a result of maltreatment. Failure on the part of any school employee to report may result in disciplinary action being brought against the employee by the school system or civil action under the law.

The principal may establish a contact person in the school to act as a liaison with social services. All employees shall cooperate fully with the department of social services in its investigation of suspected child abuse, neglect, dependency or death as a result of maltreatment. Employees shall permit the child to be interviewed by social services on school campuses during school hours and shall provide social services with confidential information, so long as the disclosure does not violate state or federal law. Any confidential information disclosed by the department of social services to employees shall remain confidential and shall only be disclosed for purposes directly connected with carrying out the responsibilities of the school system or the employee.

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment of a report of child abuse, neglect, dependency or death as a result of maltreatment by the department of social services; (2) the provision or arrangement of protective services in a child abuse, neglect or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent undisciplined or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer to the jurisdiction of juvenile court.

The superintendent shall develop any necessary procedures for reporting suspected child abuse, neglect, dependency or death as a result of maltreatment, for sharing information with designated agencies and for cooperating with investigations by the department of social services. The board encourages school officials to provide staff development opportunities related to identifying and reporting child abuse, neglect, dependency or death as a result of maltreatment.

CHILD ABUSE - REPORTS AND INVESTIGATIONS

Policy Code: 4240/7312

In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct which involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-318.2; 115C-400, -402; 16 N.C.A.C. 6C.0312; State Board of Education Policy LICN-007, NCAC-6C.0312

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700)

Adopted: April 10, 2000

Updated: April 6, 2009

Updated: February 8, 2010

STUDENT FEES

Policy Code: 4600

Beginning **August 1, 2015** the fee for Driver's Education Instruction will be **\$65.00** per student. This charge is due to the reduction in state funding.

A fee of \$5.00 will be charged to receive a copy of school records before a student graduates. Students will be allowed two free transcripts after graduation. There will be an additional fee of \$10 for each high school transcript requested after the first two are given. Fee waivers will be determined on a case by case basis by the Assistant Superintendent of Operations.

The board will continue to attempt to hold student fees to a minimum. **In addition, to the extent funds are made available for this purpose, no registration or exam fees will be charged for Advanced Placement courses, International Baccalaureate Diploma Programme courses, or Cambridge Advanced International Certificate of Education courses, including AS-Level or A-Level courses.**

Legal References: N.C. Const. art. IX, §2(1); G.S. 115C-47(6), -384

Cross References: Parental Involvement (policy 1310/4002)

Adopted: April 10, 2000

Updated: May 7, 2012

Updated: March 4, 2013

Updated: August 3, 2015

Updated: March 6, 2017

The superintendent or designee shall develop school bus routes in accordance with state law and regulations. All bus routes will be kept on file in the superintendent's office, and all changes will be filed within 10 days after such change becomes effective.

Students **ordinarily** will be assigned to a bus that passes within one mile of the student's residence. To the extent practicable and economically feasible, ride time should be less than 45 minutes one way.

A. TRANSPORTATION TO LOCATIONS OTHER THAN HOME

Upon request, the superintendent or designee may, but is not required to, assign a student to a bus to transport the student to and/or from a location other than home if the following conditions are met.

1. The student's parent or guardian submits a written, signed request that states the specific location other than home to which the student is to be transported and acknowledges that the parent or guardian and not the school system is responsible for the student's safety once the child has departed from the bus.
2. The request for such transportation does not require a bus to deviate in any significant way from an established route.
3. There is capacity on the bus if the request would necessitate the student's riding a different bus from the regularly assigned bus.
4. The student's residence and requested bus stop are within the zone eligible for transportation service.
5. The request for such transportation does not cause the school district to incur any additional cost; and
6. The proposed bus stop meets safety standards established by law, the board, the superintendent, or the principal.

Any changes in bus stops must be approved by the superintendent or designee.

B. BUS ROUTES IN HAZARDOUS CONDITIONS

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The superintendent may develop a more limited bus route for hazardous weather conditions in order to operate only on roads that are safe. To the extent possible, parents will be notified in advance of the bus route that will be used in hazardous

conditions. The hazardous conditions bus route will be on file in the superintendent's office.

A student who is identified as having special needs following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law.

Legal References: Individuals with Disabilities Education Act Amendments of 1997, 20 U.S.C. 1400 *et seq.*; G.S. 115C-240(d), -246; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policies TRAN-000, -002, -006

Cross References:

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: May 7, 2012

TRANSPORTATION SERVICE/VEHICLE CONTRACTS

Policy Code:

6340

The board may enter into contracts with public or private carriers in accordance with G.S. 115C-253, State Board of Education policy, any other applicable law, and this policy. Any contracts also must comply with policy 6450, Purchase of Services.

The superintendent or designee shall develop safety standards for contracted transportation services used to transport students to school-related activities. The standards must comply with the requirements established by the State Board. The superintendent or designee shall develop a list of companies or individuals that meet these standards and are approved to provide student transportation services. If appropriate, the superintendent shall recommend that the board enter into interlocal cooperation agreements to assist in developing the standards and list of approved entities required under this paragraph.

The superintendent shall ensure that the school system contracts for student transportation services only with companies or individuals who are on the approved list.

The board may purchase or lease student transportation vehicles in accordance with law and board policy, including policy 6430, ~~State~~ Purchasing Requirements for Equipment, Materials, and Supplies, ~~policy 6440, Local Purchasing Requirements for Equipment, Materials, and Supplies,~~ and policy 6425, Continuing Contracts. Any such vehicle must meet federal safety standards and state requirements.

All titles will be issued to the board of education. Sufficient liability coverage must be maintained in accordance with policy 8340, Insurance.

The board will consider requests for providing transportation services to a charter school. Such consideration will take into account any factors required by law.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; *North Carolina School Transportation Fleet Manual*, State Board of Education Policy TRAN-005; State Board of Education Policies TRAN-009, -010, -011; *School Charter Transportation Recommended Guidelines and Procedures*, available at <http://www.ncbussafety.org/motorcoach/index.html>

Cross References: Continuing Contracts (policy 6425), ~~State~~ Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), ~~Local Purchasing Requirements for Equipment, Materials, and Supplies (policy 6440),~~ Purchase of Services (policy 6450), Insurance (policy 8340)

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: December 8, 2010

Updated; June 2, 2014

Updated: December 8, 2014

The board is the sole entity authorized to execute formal contracts between the school system and any firm or person offering to provide materials, equipment, or services to the school system. Creditors are on notice that the board may choose not to honor contracts entered into by school or school system officials without authority to enter into contracts.

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into unless the budget resolution adopted pursuant to policy 8110, Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy 6421, Pre-Audit Certification.) No contract may be entered into with a ~~restricted company person or entity, as listed by that is on the state treasurer's in accordance with G.S. 147, art. 6D or 6G, Final Divestment List or Iran Parent and Subsidiary Guidance List,~~ except as permitted by ~~G.S. 147, art. 6E. those laws.~~

Any contract involving expenditures in excess of \$5,000.00 must be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. (Approval requirements for construction and repair contracts are established in policy 9120, Bidding for Construction Work.) Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into contracts or approve amendments to contracts involving amounts up to \$5,000.00. However, change orders for construction and repair contracts are subject to the requirements of policy 9030, Facility Construction, not this provision.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts involving amounts up to \$5,000.00. The superintendent, with appropriate involvement of the finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

At least monthly, the superintendent shall report to the board all contracts and contract amendments approved by the superintendent under this policy that exceed \$5,000.

B. CONTRACT FORMS

The board attorney shall review any contract forms developed for use by a school or the school system.

C. LEASE PURCHASE CONTRACTS

The finance officer must approve any request to enter lease purchase contracts as authorized by G.S. 115C-528, regardless of the dollar amount. After considering the principal and amount of interest, the superintendent must determine that the lease purchase is a fiscally prudent choice that is consistent with board policy.

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

D. OTHER APPLICABLE POLICIES AND LAWS

Purchases may be made through the State Division of Purchase and Contract in accordance with the Division's rules and regulations, as authorized by G.S. 115C-522.

All contracts involving construction or repair work or purchase of apparatus, supplies, materials, or equipment must be undertaken in compliance with Chapter 143 of the North Carolina General Statutes, except as provided elsewhere by state law. Contracts must also comply with applicable board policies, including, but not limited to, policies 6430, [State Purchasing Requirements for Equipment, Materials, and Supplies](#); ~~6440, Local Purchasing Requirements for Equipment, Materials, and Supplies~~; 6450, Purchase of Services; 9030, Facility Construction; 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers at Risk; and 9120, Bidding for Construction Work.

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

Legal References: G.S. 64, art. 2; 115C-36, -47, -264, -440, -441, -522, -528; 143-49 and art. 8; ~~147 art.6E, art. 6G~~

Cross References: Pre-Audit Certification (policy 6421), [State Purchasing Requirements for Equipment, Material, and Supplies](#) (policy 6430), ~~Local Purchasing Requirements for Equipment, Materials, and Supplies (policy 6440)~~, Purchase of Services (policy 6450), Budget Resolution (policy 8110), Facility Construction (policy 9030), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers at Risk (policy 9110), Bidding for Construction Work (policy 9120)

Adopted: January 11, 2016

Updated: June 6, 2016

Updated: August 23, 2016

Updated: October 3, 2016

STATE PURCHASING REQUIREMENTS FOR EQUIPMENT, MATERIALS, AND SUPPLIES

Policy Code: 6430

All purchases of apparatus, supplies, materials, and equipment will be made in accordance with all applicable state laws and regulations, including Article 8 of Chapter 143, ~~Article 8~~, and Articles 6E and 6G of Chapter 147 of the North Carolina General Statutes, board policy, and school system purchasing procedures. Purchasing contracts subject to the E-Verify requirement will contain a provision stating that the contractor and contractor's subcontractors must comply with the requirements of G.S. Chapter 64, Article 2. Purchases using federal funds must also be made in accordance with all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.) ~~For purchases and contracts valued at \$1,000 or more, the board will require each bidder or vendor to certify that it is not listed on the state treasurer's Final Divestment List or Iran Parent and Subsidiary Guidance List, as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.~~ All employees involved in purchasing must be familiar with applicable requirements.

The purchasing officer shall ensure that written specifications for desired products are descriptive and clear and incorporate the quality requirements and service needs of the school system. There is no minimum number of bids, proposals, or quotes required for the purchase of apparatus, supplies, materials, and equipment (whether formally or informally bid); however, the board encourages the purchasing officer to obtain at least two bids, proposals, or quotes when feasible.

Except as otherwise required by law or specified by the board, the board delegates to the superintendent the authority to award contracts for the purchase of apparatus, supplies, materials, and equipment involving amounts up to \$50,000.00. Any purchases or contracts involving expenditures greater than this amount must be approved by the board. The purchasing officer and any additional staff deemed appropriate by the superintendent shall review submissions of bids, proposals, or quotes to determine if they are responsive to the system's specifications and make recommendations to the superintendent. The superintendent may award the contract based upon such recommendations or make a recommendation to the board for award of the contract by the board.

Apparatus, supplies, materials, and equipment must be purchased in accordance with the following requirements.

A. FORMAL BIDS (EQUAL TO OR MORE THAN \$90,000)

The purchase of apparatus, supplies, materials, or equipment for expenditures equal to or more than \$90,000 must be secured through the competitive bid process governed by G.S. 143-129. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for formally bidding a product or, as appropriate, utilizing one of the exceptions to formal bidding as provided below in Section E. The purchasing officer shall oversee the use of any purchasing method and ensure that all state requirements are met, including advertisement, sealed bids, maintaining records, and public opening of bids. The board authorizes the use of newspaper advertisement, electronic advertisement, or both for formal bids; however, the superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases.

~~Records of informal bids will not be available for public inspection until the contract has been awarded.~~ Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets

the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract. To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify. All contracts awarded must be in writing.

The board permits the use of the following processes for contracts that require formal bidding.

1. Competitive Sealed Bids

A competitive sealed bid (or invitation to bid) may be used to request the cost of particular goods by providing detailed specifications in advance.

2. Reverse Auction

Pursuant to G.S. 143-129.9(a)(1), the school system may use reverse auctions as an alternative to sealed bid procedures. For purposes of this policy, “reverse auction” means a real-time purchasing process in which bidders compete to provide goods at the lowest selling price in an open and interactive environment. The superintendent, in consultation with the purchasing officer, shall determine whether reverse auctions are appropriate for a specific purchase or category of purchases. To conduct a reverse auction, the purchase officer may use a third party, may use the state’s electronic procurement system, or, if appropriate equipment is available, may conduct the auction using school system equipment.

3. Exceptions to Formal Bids

Any of the processes outlined below in Section E may be used in lieu of formal bidding, so long as all requirements of state law are met.

B. INFORMAL BIDS (\$30,000 TO \$90,000)

The purchase of apparatus, supplies, materials, or equipment for expenditures of at least \$30,000 but less than \$90,000 must be secured through the informal bidding process governed by G.S. 143-131. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for securing informal bids on a product. The purchasing officer shall oversee the use of any purchasing method and ensure that all state requirements are met, including maintaining records of all bids submitted. **Records of informal bids will not be available for public inspection until the contract has been awarded.** Awards will be made to the lowest responsible, responsive bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract.

1. Competitive Sealed Bids

Informal bid requirements may be met by the use of sealed bids. The purchasing officer may utilize the methods for formal competitive bids provided in Section A or may determine other appropriate methods for soliciting sealed bids. The bid specifications must include the time, date, and place for opening bids. No advertisement for bids is necessary (unless the formal bid process is used); however, the purchasing officer may advertise for bids as he or she deems appropriate.

2. Quotations

Informal bid requirements may be met by the solicitation of quotes from prospective vendors. Quotations may be solicited and submitted via telephone, fax, e-mail, or the North Carolina E-Procurement system. Telephone quotes must be placed in writing before a final contract will be awarded. Written quotations must be on the vendor's letterhead or an official quotation form.

3. Reverse Auction

A reverse auction may be used to solicit informal bids, consistent with the process provided in **Section A.2.**

4. Exceptions to Informal Bids

Any of the processes outlined below in Section E may be used in lieu of informal bidding, so long as all requirements of state law are met.

C. **LOCAL REQUIREMENTS FOR PURCHASES FOR LESS THAN \$30,000**

When competitive bidding is not statutorily required, purchases should be made under conditions that foster competition among potential vendors. Purchasing decisions should be made after considering price, quality, suitability for specified need, and timeliness of delivery and performance. The board may refuse to enter into a contract with a supplier or contractor whose performance on a previous contract was found to be unsatisfactory by the superintendent or the board.

If informal bidding is used, the informal bidding process described in Section B, above, will be followed. ~~Purchases for apparatus, supplies, materials, and equipment costing less than \$30,000 will be awarded pursuant to the standards provided in policy 6440, Local Purchasing Requirements for Equipment, Materials, and Supplies.~~

D. **ELECTRONIC BIDDING**

Pursuant to G.S. 143-129.9(a)(2), the school system may receive bids electronically in addition to or instead of paper bids. If electronic bids are used for purchases that must be formally bid, procedures for receipt of electronic bids must be designed to ensure the security, authenticity, and confidentiality of the bids to at least the same extent as provided with paper bids. The superintendent, in consultation with the purchasing officer, shall determine whether electronic bidding is appropriate for a specific purchase or category of purchases.

E. **EXCEPTIONS TO THE FORMAL AND INFORMAL BIDDING REQUIREMENTS**

The school system may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The purchasing officer shall gather information to document the basis for the use of any exceptions to the competitive bidding requirements. The superintendent, in consultation with the purchasing officer, may determine that using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. Purchases from Other Governmental Agencies

Pursuant to G.S. 143-129(e)(1), the school system may contract for the purchase, lease, or other acquisition of apparatus, supplies, materials, or equipment from any other federal, state, or local governmental agency.

2. Special Emergencies

Pursuant to G.S. 143-129(e)(2), competitive bidding is not required in cases of special emergencies involving the health and safety of people or their property. For an emergency to exist under the statute, the following factors must exist: (1) the emergency is present, immediate, and existing; (2) the harm cannot be averted through temporary measures; and (3) the emergency was not self-created by the school system.

3. Competitive Group Purchasing

Pursuant to G.S. 143-129(e)(3), the school system may make purchases through a competitive bidding group purchasing program, through which another entity uses a competitive process to establish contracts on behalf of multiple entities at discount prices.

4. State Term Contract

Pursuant to G.S. 143-129(e)(9), the school system may purchase products included in state term contracts with the state vendor for the price stipulated in the state contract, if the vendor is willing to extend to the school system the same or more favorable prices, terms, and conditions as established in the state contract.

5. Sole Source Items

Pursuant to G.S. 143-129(e)(6), upon approval of the board of education, the school system may purchase an item through a single or sole source contract under the following circumstances: (1) when performance or price competition is not available; (2) when a needed product is available from only one source of supply; or (3) when standardization or compatibility is the overriding consideration. When requesting a purchase under the sole source exception, the purchasing officer shall provide the board with documentation that justifies the use of the exception.

6. “Piggybacking” or Previously Bid Contracts

Pursuant to G.S. 143-129(g), upon approval of the board of education, the school system may purchase from any supplier that, within the previous 12 months, has contracted to furnish the needed item to the federal government, to any state government, or to any agency or political subdivision of the federal government or any state government. Before recommending a purchase using the piggybacking exception, the purchasing officer shall ensure that the following requirements are met: (1) the price and other terms and conditions of the contract are at least as favorable as the prior contract; (2) the contract was entered into following a public, formal bidding process substantially similar to that required by North Carolina General Statutes; (3) the same vendor is used; and (4) notice of intent to award the contract without bidding is publicly advertised at least 10 days prior to the regularly-scheduled board meeting at which the contract will be approved. Before approving the contract, the board must determine that using the

contract is in the best interest of the school system.

7. Purchases of Information Technology Goods and Services

Pursuant to G.S. 143-129(e)(7) and 143B-1324(b), the school system may purchase or lease information technology through contracts established by the Department of Information Technology. The purchasing officer shall work with the information technology department to ensure that any such purchases meet the needs of the school system.

In addition, the school system also may purchase information technology goods and services by using a request for proposal (RFP) pursuant to G.S. 143-129.8, provided that the following requirements are met: (1) notice of the request is provided consistent with the formal bidding notice requirements and (2) contracts are awarded to the person or entity that submits the best overall proposal as determined by the purchasing officer and superintendent. The RFP should describe the scope of work, general terms and conditions, specifications of the product needed by the school system, and the application process. The information technology supervisor shall assist the purchasing officer in reviewing the responsiveness of any RFP submitted pursuant to this subsection. RFPs will be evaluated using the “best value” method as defined in G.S. 143-135.9(a)(1) so that the system may select the most appropriate technological solution to meet the school system’s objectives. However, if the purchasing officer considers the purchase to be highly complex or is unable to clearly determine what the optimal solution for the school system is, the “solution-based solicitation” or “government-vendor partnership” method may be used. The purchasing officer may negotiate with the proposer to obtain a final contract that meets the best needs of the school system, so long as the alterations based on such negotiations do not deprive proposers or potential proposers of the opportunity to compete for the contract and do not result in the award of the contract to a different person or entity than would have received it if the alterations had been included in the RFP.

8. Gasoline, Fuel, and Oil Purchases

Pursuant to G.S. 143-129(e)(5), the school system may purchase gasoline, fuel, and oil products without using formal competitive bidding. However, such purchases are subject to the informal bidding requirements provided above.

9. Used Products

Pursuant to G.S. 143-129(e)(10), the school system may purchase previously used apparatus, supplies, materials, or equipment without using formal competitive bidding. Before purchasing used products, the purchasing officer shall ensure that the products are in good, usable condition and will be sufficient to meet the school system’s needs for a reasonable period of time.

10. Publish Materials

Pursuant to G.S. 115C-522(a), compliance with Article 8 of Chapter 143 of the General Statutes is not mandatory for the purchase of published books, manuscripts, maps, pamphlets, and periodicals. Such purchase shall be made in accordance with **Section C of this** policy. ~~6440, Local Purchasing Requirements for Equipment, Materials, and Supplies.~~

F. LEASE PURCHASE CONTRACTS AND OTHER CONTRACTS FINANCED OVER TIME

Lease purchase contracts, contracts that include options to purchase, and leases for the life of equipment all must be bid consistent with the requirements of G.S. 143-129 and 143-131. The purchasing officer shall ensure that such contracts meet the legal requirements and the provisions of policy 6420, Contracts with the Board.

G. USE OF SCHOOL SYSTEM TERM CONTRACTS

The school system may create and use term contracts for items that are routinely purchased by the school system. If the estimated expenditure for a routine item under the term contract is equal to or exceeds \$90,000, the contract must be formally bid. If the estimated expenditure is at least \$30,000 but less than \$90,000, the contract must be informally bid. The purchasing officer may incorporate the use of a term contract in the bidding specifications. If term contracts are used, the board attorney, in consultation with the purchasing officer, shall review the contracts.

H. HISTORICALLY UNDERUTILIZED BUSINESSES

The board affirms the state's commitment to encouraging the participation of historically underutilized businesses in purchasing functions. The board will comply with all legal requirements and the standards in policy 6402, Participation by Historically Underutilized Businesses.

Legal References: [2 C.F.R. 200.317-326](#); G.S. 64, art. 2; 115C-~~36~~-522; 143 art. 8; 143B art. 14; 147, art. 6E; Sess. Law 2013-128

Cross References: Participation by Historically Underutilized Businesses (policy 6402), Organization of the Purchasing Function (policy 6410), Contracts with the Board (policy 6420), ~~Local Purchasing Requirements for Equipment, Materials, and Supplies (policy 6440)~~ [Federal Grant Administration \(policy 8305\)](#)

Adopted: January 11th, 2016

Updated: June 6, 2016

LOCAL PURCHASING REQUIREMENTS FOR EQUIPMENT, MATERIALS, AND SUPPLIES

Policy Code: 6440

~~All purchases of equipment, materials, and supplies will be made in accordance with applicable laws and regulations, including Chapter 143 Article 8 of the North Carolina General Statutes, board policy, and any school system purchasing procedures. For purchases and contracts valued at \$1,000 or more, the board will obtain certification from each bidder or vendor affirming that it is not listed on the state treasurer's "Final Divestment List," as required by G.S. 147, Article 6E. All employees involved in purchasing must be familiar with these requirements.~~

~~When competitive bidding is not required, purchases should be made under conditions which foster competition among potential vendors. Purchase decisions should be made after considering price, quality, suitability for specified need, and timeliness of delivery and performance. The board will not enter into a contract with any supplier or contractor when performance on any previous contract has been found to be unsatisfactory by the superintendent or the board.~~

~~Records of all informal bids will be kept and will be available for public inspection until the contract has been awarded. Such records should include the date the bid is received, from whom it is received, and for what item it is made.~~

~~Legal References: G.S. 115C 36, 522; 143, art. 8; 143-129, 129.9, 131, 135.9; 147, art. 6E~~

~~Cross References: Contracts with the Board (policy 6420), State Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430)~~

~~Adopted: April 10, 2000~~

~~Updated: July 1, 2009~~

~~Updated: June 6, 2016~~

RESCINDED

VENDOR LISTS

Policy Code: 6442

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

The superintendent or his or her designee has the discretion to determine which vendors are included on the list and may establish standards for being placed on the list or for remaining on the list. The standards shall ~~comply with~~ **take into account** the requirements of G.S. 147, art. 6E **and art. 6G**. The superintendent is encouraged to include vendors listed as historically underutilized businesses with the Division of Purchase and Contracts at the State Department of Administration.

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

Cross References: ~~Local~~ Purchasing Requirements for Equipment, Materials, and Supplies (policy ~~6440-6430~~), Participation by Women- and Minority-Owned Businesses (policy 9125)

Adopted: April 10, 2009

Updated: June 6, 2016

Services will be purchased in a manner consistent with the board's purchasing goals. Competitive bidding is not required for the purchase of services; however, contracts for services will be made under conditions that foster competition among potential providers when feasible and after careful pricing.

No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

~~For all purchases and contracts valued at \$1,000 or more, the board will require the service provider to certify that it is not listed on the state treasurer's "Final Divestment List" or "Iran Parent and Subsidiary Guidance," as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.~~

This policy does not apply to contracts for architectural, engineering, surveying, and construction management at risk services, which are governed by policy 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk.

Legal References: G.S. 115C-36; 143-64.31; 147, art. 6E, **art. 6G**

Cross References: Goals of the Purchasing Function (policy 6400), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: April 10, 2000

Updated: June 6, 2016

Updated: June 5, 2017

USE OF EQUIPMENT, MATERIALS AND SUPPLIES

Policy Code: 6520

Equipment, materials and supplies are intended to further the board's goals as provided in policy 6500. Any use which is inconsistent with these goals is not permitted. Equipment, materials and supplies are made available for use in schools, on school district property or at school-related events. The superintendent or building level supervisor will establish procedures or rules for allowing individuals or organizations to take such items, especially those of significant value, off school premises.

Legal References: G.S. 115C-523, -524

Cross References: Technology in the Educational Program (policy 3220), Technology [Acceptable Responsible](#) Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Goals of Equipment, Materials and Supplies Services (policy 6500), Personal Use of Equipment, Materials and Supplies (policy 6521), Use of Equipment, Materials and Supplies by Non-School Groups (6522), Network Security (policy 6524)

Adopted: April 10, 2000

Updated: July 1, 2009

When personal property becomes unnecessary and undesirable for public school purposes, the school system will sell or dispose of the property in order to provide additional revenue for educational purposes, in accordance with the requirements of G.S. 115C-518 and G.S. 160A, article 12. Contracts for the sale or disposal of surplus property must be consistent with G.S. 147, art. 6E and 6G. Before any property may be sold or disposed of, it must be removed from the appropriate fixed asset inventory.

The superintendent or designee will ensure that any confidential, proprietary or other identifying information is removed from surplus property prior to disposition. In addition, the disposal of any equipment or other property through waste management services will be done in a manner consistent with environmental or other relevant rules and regulations.

A. PROPERTY WORTH LESS THAN \$30,000

Pursuant to G.S. 160A-266(c), the board permits the superintendent or designee to dispose of personal property worth less than \$500.00 for a single item or group of similar items; to set the property's fair market value; and to convey title to the property for the board of education. Prior to disposition, the superintendent or designee must make a finding that the property is no longer necessary or desirable for school use.

For property worth \$501.00 to \$4,999.00, the superintendent or designee shall determine and recommend to the board of education whether or not items or groups of similar items are unnecessary or undesirable for school purposes. The recommendation will include the description of the items or the groups of items and a recommended method of sale or disposition.

Property covered by this section may be disposed of through a public or private exchange or sale. Pursuant to G.S. 160A-270(c), the board delegates to the superintendent or designee the authority to conduct electronic auctions of surplus property. The superintendent or designee shall choose or recommend a method of disposal that is designed to obtain a fair market value for the property, in the most efficient and economical manner possible, and is in the best interest of the school system as determined by the superintendent or designee.

The superintendent shall provide a semiannual report to the board detailing such transactions. The report must include: (1) a general description of the property sold or exchanged; (2) the name of the person(s) to whom the property was sold or with whom it was exchanged; and (3) the amount of money or other consideration received for each sale or exchange.

B. PROPERTY WORTH \$30,000 OR MORE

Property worth at least \$30,000 will be disposed of pursuant to the requirements of G.S. 160A, article 12.

Legal References: G.S. 115C-518; 147, art. 6E, **art. 6G**; 160A, art. 12

Cross References: Fixed Assets Inventory (policy 8350)

Adopted: March 13, 2006

Updated: July 1, 2009

Updated: June 6, 2016

The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law, and State Board of Education policies.

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a professional employee must hold at all times a valid North Carolina license appropriate to his or her position.
2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by the State Board of Education. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.
3. The board encourages ~~lateral~~ entry into the teaching profession by skilled individuals from the private sector who meet state ~~residency licensure~~ ~~licensing~~ requirements.

~~**B. EXCEPTIONS TO LICENSURE REQUIREMENTS**~~

~~1. Emergency Permit to Practice~~

4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a ~~residency~~ ~~lateral entry~~ license are available to fill a position, the board may employ for up to one year an individual who holds an emergency ~~permit to practice~~ ~~licence~~ issued by the State Board of Education. An emergency ~~permit~~ ~~license~~ is not renewable.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 10 hours per week, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status.

C. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The superintendent or designee shall submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system will also participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

D. LICENSE CONVERSION

Teachers must teach three years and meet all other requirements of the State Board of Education in order to move from an initial to a continuing **professional** license. Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing **professional** licensure are informed of the process for appealing the state decision.

E. LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing **professional** license will be made in accordance with state law G.S. 115C-270.30(b)(4) ~~115C-296(b)(1)b.4~~ and applicable State Board of Education requirements. **The superintendent or designee shall determine the professional development required of a teacher whose continuing license has reverted to an initial license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.**

F. PARENTAL NOTIFICATION

At the beginning of each school year, the school system will notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC licensing requirements for the subject or grade level they are teaching; whether the teacher has had any licensure requirements waived; whether the teacher is teaching in the field of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system will give notice within 10 school days to the parents of children who, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified.

G. EQUITABLE DISTRIBUTION OF TEACHERS

The superintendent shall assess whether low-income, minority, learning disabled, and/or English learners are being taught by inexperienced, ineffective, or out-of-field teachers at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C **art. 17E** ~~296~~; **115C-284, -295, -298.5**, -296, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies EVAL-004, EVAL-023, LICN-001, -004, -005, -018, -021, NCAC-6C.0102, NCAC-6C.0307

Cross References:

Adopted: May 1, 2000

Updated: April 6, 2009

Updated: December 6, 2011

Updated: April 3, 2012

Updated: June 2, 2014

Updated: December 5, 2016

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code: 7240

The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board of education that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcohol, stimulants, synthetic cannabinoids, counterfeit substances or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 . Employees must not be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

Employees are prohibited from using or being under the influence of alcohol while acting in the course and scope of employment duties, while at school sponsored activities or while on school property. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

The school system reserves the right to test employees whose duty it is to drive a vehicle, repair vehicles or equipment, provides armed security and other persons in similar safety positions any time prior to or during employment. The system reserves the right to test any employee upon reasonable suspicion of drug or alcohol use.

Employees specified above who refuse to submit to any diagnostic test to detect alcohol and/or drug use or refuses to submit to search procedures after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment

B. APPLICABILITY

This policy governs each employee before, during or after school hours while the employee is on any property owned or leased by the board of education; at anytime during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance.

Independent contractors, volunteers, and visitors are subject to all requirements of this policy while on school property or at a school-sponsored event.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech, and/or performance indicators of drug or alcohol use. The observations must be made by a ~~trained~~ supervisor or other school system official with training or experience in such indicators.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer, or independent contractor who operates a commercial motor vehicle or performs other safety-sensitive functions in the course of duties for the board may be subject to drug and alcohol testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

An employee must notify his or her supervisor and the assistant superintendent of human resources in writing of any conviction under any criminal drug statute for a violation occurring within the scope of paragraph two of this policy. Notification must be given not later than the next scheduled business day after such conviction and before reporting to work, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the assistant superintendent ~~director~~ of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code: 7240

E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board of education that could result in non-renewal or termination of employment with the school district or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board of education or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees. **Any illegal drug activity will be reported to law enforcement authorities.** All employees receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. ~~701~~ 8101 *et seq.*; 21 C.F.R. 1300.01 04 and 1308.11-~~1308~~.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: May 1, 2000

Updated: April 6, 2009

Updated: August 3, 2009

Updated: March 5, 2010

Updated: December 5, 2011

Updated: December 9, 2013

The board of education believes that it is important for employees to have leave available to attend to personal, civic, and professional matters as well as to meet family commitments. This need for leave is to be balanced with the need to provide an effective instructional program for students. No employee may be discharged, demoted, or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at <http://www.ncpublicschools.org/district-humanresources/key-information>.

In addition to applicable laws and regulations, ~~this following~~ board policies will apply to leave requests. ~~The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State of federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.~~

The superintendent ~~is directed to~~ shall develop any necessary administrative procedures and make them available to any employees upon request.

A. MINIMUM LEAVE TIME

An employee may take any type of leave in increments of hours unless otherwise specified in this policy. 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 10 DAYS

An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. ~~See policy 7520, Family and Medical Leave.~~

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave ~~for more than a single day must~~ should inform their

~~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 of 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 **and in accordance with legal requirements and procedures established by the superintendent.** ~~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

Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent. ~~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 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 time from another school system in North Carolina may have the vacation time transferred to this school system.~~

~~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 the employee's own catastrophic illness and the employee has exhausted all of his or her sick leave or unless the employee qualifies as a new parent. 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.~~

~~F. CHILD SCHOOL INVOLVEMENT LEAVE~~

~~All employees may take up to four hours of 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.~~

F. COMPENSATORY LEAVE

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

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) **as described in policy 7500, Workday and Overtime**, at a rate of one and one-half hours for every one hour worked in lieu of receiving overtime pay for each hour worked beyond 40 in a given workweek. ~~For the purpose 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 **however**, the superintendent or designee may exempt certain employees or categories of employees from this **requirement comp time provision** when deemed necessary for the proper administration of the school system.

An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.

G. 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.~~

G. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY

An employee, who wishes to take leave that is not eligible for any other specific type of leave, may be granted a leave of absence without pay ~~for the following reasons and~~ for a period of ~~time of~~ up to one calendar year, ~~renewable~~ at the discretion of the superintendent with approval from the board.

- ~~1. military leave (see also policies 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 at 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~~ The employee is expected first to consult with his or her immediate supervisor and then to ~~employee who desires a leave of absence without pay shall~~ provide advance at least ~~30~~ 60 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 the leave 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.

H. OTHER LEAVE

Other types of leave, such as leave for observance of a bona fide religious holiday, professional leave, community responsibility leave, leave for jury duty or court attendance, elected officials leave, parental involvement in schools leave, parental leave without pay, and military leave (see policy 7530, Military Leave), will be granted in accordance with the requirements of law and State Board of Education policy.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, ~~-21.890(a)(3)~~, ~~-238.68(3)~~, -285, -302.1, -316, -336, -336.1; ~~116-239.10(4)~~ 16 N.C.A.C. 6C .0405; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <http://www.ncpublicschools.org/district-humanresources/key-information>

Cross References: ~~Workday and Overtime (policy 7500)~~, ~~Compliance with State Board of Education Employment Policies (policy 7505)~~, Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

Adopted: May 1, 2000

Updated: February 2, 2004

Updated: April 6, 2009

Updated: March 3, 2010

Updated: December 8, 2010

Updated: April 3, 2012

Updated: January 14, 2013

Updated: December 9, 2013

Updated: March 2, 2015

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy, ~~and~~ the federal Uniformed Employment and Reemployment Rights Act (USERRA), **and Article 16 of Chapter 127A of the North Carolina General Statutes.**

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment.

A. NOTICE AND DOCUMENTATION REQUIREMENTS

1. ~~If an employee is going to be absent due to military obligations., the employee~~ **Employees** must provide to the superintendent advance written or oral notice **of any absences due to military obligations**, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable.
2. The employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

B. SHORT –TERM MILITARY LEAVE WITH PAY

1. In accordance with State Board of Education policy, an employee **who is a member of a reserve component of the U.S. Armed Forces** may take up to 15 workdays of paid military leave **for active duty training** per federal fiscal year, which runs from October 1 through September 30. **Members of the National Guard may take additional paid leave beyond these 15 days for special state activities when so authorized by the governor.**
2. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service.

C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY

1. Employees may take extended leaves of absences for state or federal military duty under honorable services status, for required training, or for special emergency management. **In accordance with state and federal law and State Board policy. Such**

leave is unpaid, except as described in paragraph C.2, below. The employee may use any available eligible paid leave prior to going on unpaid leave.

2. During ~~these periods of~~ extended military leaves, which must not exceed five years ~~cumulatively~~ plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary. Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

D. REINSTATEMENT FROM MILITARY LEAVE ~~WITHOUT PAY~~

1. If the individual ~~reapplies~~ applies for reinstatement following separation from military duty, his or her reemployment and related rights ~~is~~ are governed by the provisions of the USERRA (for members of reserve components of the U.S. Armed Forces, including members of the North Carolina National Guard returning from active federal duty) or Article 16 of G.S. 127a (for members of the North Carolina National Guard returning from active state duty).
2. Employees must meet all applicable state or federal deadlines for reporting back to work or applying for reinstatement.
3. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.

E. EXPLANATION OF BENEFITS

When an employee is determined to be eligible for unpaid military leave under this policy, the superintendent or designee shall provide the employee with an explanation of his or her rights and benefits, including those related to leave, salary increases, medical insurance options, retirement status, the possibility of differential pay, and reinstatement rights.

F. COMPLIANCE WITH OTHER REQUIREMENTS

The board will follow and apply all other applicable legal requirements when administering military leave under this policy.

Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1 (g1); **127A art. 16**; 16 N.C.A.C. 6C .0406; *North Carolina Public Schools Benefits and Employment Policy Manual*, §§ 9.6 – 10.4 (2008-2009)

Cross References: Leave of Absence (policy 7510)

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Updated: April 6, 2009

Updated: August 3, 2009

Updated: January 15, 2010

The board recognizes that an effective staff is critical to the smooth operation of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee's performance is a critical aspect of professional growth and assistance. Further, performance evaluation data is an important factor for consideration in decisions regarding continued employment. The superintendent must be able to substantiate any recommendation for continued employment with evaluation data, among other factors.

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation, including as applicable, the processes for evaluating licensed employees in schools designated as low performing. The principal, or an assistant principal in the limited circumstances authorized by law, shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The principal shall provide teachers' access to EVAAS data as required by law and shall notify teachers at least annually when the data is updated to reflect teacher performance from the previous school year. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with the processes established by the State Board in the North Carolina Educator Evaluation System for that class of personnel. Teachers with fewer than three consecutive years of experience will be evaluated annually in accordance with state law and the comprehensive evaluation cycle established in State Board Policy EVAL-004. For teachers with three or more years of experience, the abbreviated evaluation process established in State Board Policy EVAL-004 satisfies the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal observation. In addition, in any given year, the principal may elect to use the comprehensive or standard evaluation processes set forth in State Board Policy EVAL-004 or require additional formal or informal observations to evaluate a teacher with three or more years of experience. The principal also may supplement the State Board evaluation processes for other categories of licensed personnel by requiring additional observations or other evaluation measures. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.
2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.
3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include ~~analysis of student work for performance-based courses and~~ student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board. ~~Multiple means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee's impact on student performance.~~
4. Peer observations of teachers with fewer than three consecutive years of experience must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.
5. Supervisors and principals should facilitate open communication with employees about performance expectations.
6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.
8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development) and suspension, demotion, and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board's directives and to meet state requirements.

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1, -333.2; State Board of Education Policies EVAL-004 through -006, EVAL-022, EVAL-025 through -031

Cross References: Professional and Staff Development (policy 1610/7800), School Administrator Contracts (policy 7425), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

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Updated: June 1, 2015

Updated: January 11, 2016

Updated: June 6, 2016

Updated: November 7, 2016

Updated: December 5, 2016

A. PROFESSIONAL EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school district is made. Employees in administrative positions are required to give a 60 day notice unless the superintendent consents to a shorter notice period.

A resignation becomes effective at the end of the school year in which it is submitted. A resignation for any other time requires a 30 days' notice unless the superintendent consents to a shorter notice period.

If a teacher has not been recommended for dismissal but fails to meet the notice requirements and the superintendent does not consent to a waiver of notice, the superintendent shall inform the board and recommend to the board whether a request should be made to the State Board of Education to revoke the teacher's license for the remainder of the school year. The superintendent shall place a copy of the request in the teacher's personnel file.

The superintendent must notify the State Board of Education if a teacher's criminal history is relevant to the teacher's resignation, regardless of whether the teacher gave adequate advance notice of resignation.

If a teacher who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her certificate pending an investigation by the State Board of Education to determine whether to seek action against the employee's certificate.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for a teacher's resignation, the superintendent or designee shall indicate if the teacher's criminal history was relevant to the resignation.

B. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be accepted, on behalf of the board, by the superintendent or his or her designee. To help

ensure the smooth operations of the schools, a 30 day notice is requested whenever possible.

Each employee who is leaving the school district may arrange to meet with any director, supervisor or administrator to discuss his or her reasons for leaving and

to identify any practices or policies which he or she feels are detrimental to the objectives of the school district. To the extent possible, statements made by employees will be confidential. **However, should another North Carolina local school board, charter school, or regional school inquire as to the reason for any employee's resignation, the superintendent or designee must indicate if criminal history was relevant to the employee's resignation.**

Legal References: G.S. 115C-47, -325(e), -325(o) (applicable to career status teachers), 325.4 and -325.9 (applicable to non-career status employees), **-332**

Cross References: Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: May 1, 2000

Updated: August 3, 2009

Updated: November 4, 2010

Updated: March 8, 2011

Updated: June 2, 2014

PROFESSIONAL EMPLOYEES: DEMOTION AND DISMISSAL

Policy Code:

7930

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. The board expects all professionally licensed employees, whether employed pursuant to a contract or through continuing career status, to exemplify above-average performance in carrying out their teaching or other professional responsibilities. Such employees are expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any professionally licensed employee who is unable or unwilling to meet the performance expectations or other reasonable standards of the board may be subject to demotion or dismissal as provided in this policy.

Evaluators of licensed employees are expected to follow policy 7810, Evaluation of Licensed Employees, policy 7820, Personnel Files, and policy 7811, Plans for Growth and Improvement of Licensed Employees. Evaluators of career and probationary employees should provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations and regardless of whether the employee has first been placed on a growth plan or mandatory improvement plan, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of career and probationary employees. Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;

8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;
10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;
12. a justifiable decrease in the number of positions due to school system reorganization, decreased enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;
13. failure to maintain one's license in current status;
14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee's dismissal, the superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 90 art. 5; 115C-287.1, -307, -325 (applicable to career status teachers), -325.1 *et seq.* (applicable to non-career status teachers), -332, -333, -333.1; 143 art. 60; 16 N.C.A.C. 6C .0502

Cross References: Professional and Staff Development (policy 1610/7800), Staff Responsibilities (policy 7300), Job Descriptions (policy 7400), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Evaluation of Licensed Employees (policy 7810), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Resignation (policy 7900), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: May 1, 2000

Updated: April 6, 2009

Updated: March 3, 2010

Updated: December 5, 2011

Updated: June 2, 2014

Updated: June 5, 2017

**CLASSIFIED PERSONNEL:
SUSPENSION AND DISMISSAL**

Policy Code: **7940**

Classified positions are critical to the effective operation of the school district. The board encourages open communication between classified employees and their supervisors. When performance problems arise, supervisors are encouraged to clearly communicate in oral or written form the nature of the deficiencies and to provide a reasonable opportunity to improve. Any written notices or reprimands will be included in the employee's central office personnel file. All employees are expected to meet job requirements and to seek clarification and guidance when needed to fulfill these requirements.

SUSPENSION

The superintendent or his or her designee may suspend an employee without pay as a disciplinary sanction. The superintendent will provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has ten calendar days from the date of receiving written notice to request an appeal before the board of education regarding the decision to suspend without pay. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the basis that there was no rational basis for the suspension; the suspension was discriminatory or was used for harassment; or board policies were not followed.

Upon receiving a request for an appeal, the chairperson may designate a panel of three board members to review the decision. The chairperson of the board or the panel may establish rules for an orderly and efficient hearing. The employee will be notified in writing of the decision of the board to uphold, reverse or modify the superintendent's decision. An employee will receive back pay for any period of suspension without pay that is not upheld by the board.

TERMINATION

As "at will" employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow board policies or a reduction in staff. All terminations will be made pursuant to this policy. The superintendent has the authority to terminate at-will employees. The superintendent should provide written notice to the employee and the board of the decision to terminate. An employee has 15 calendar days from the date of receiving notice to request an appeal of the decision to the board of education. The termination is effective during the period of appeal.

Upon receiving a request to appeal the superintendent's decision to terminate, the chairperson may appoint a panel of three board members to review the decision. The employee has the burden of establishing that the termination was based on an illegal discrimination. The superintendent may offer evidence to substantiate that the dismissal was for a nondiscriminatory reason, such as prior warnings or remedial efforts.

The hearing procedures established in board policy 2500, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the superintendent as

soon as practicable after reaching a decision. The board may uphold the superintendent's decision or reinstate the employee for any reason it deems proper, so long as the board's reason is not discriminatory.

Any employee who has been dismissed for cause will be ineligible for reemployment.

Upon inquiry from a North Carolina local board of education, charter school, or regional school as to the reason for an employee's dismissal, the superintendent or designee shall indicate if the employee's criminal history was relevant to the dismissal.

This policy is not intended to create any property rights or an implied or express contract between the board and the employee other than what is provided by law.

Legal References: 29 U.S.C. 621 et seq.; 29 U.S.C. 794 et. seq.; 42 U.S.C. 1981; 42 U.S.C. 12101; G.S. 115C-45(c), -47, -332

Cross References: Hearings Before the Board (policy 2500), Annual Independent Audit (policy 8310)

Adopted: May 1, 2000

Updated: April 6, 2009

Updated: September 12, 2016

GRANTS AND FUNDING FOR SPECIAL PROJECTS

Policy Code: **8210**

To fulfill the educational goals of the board, the board will seek as many sources of revenue as possible. The superintendent will seek public and private grants and funding for special projects as a source of supplemental funding. Employees also are encouraged to learn about special funding opportunities and to participate in the development of proposals to obtain the funding.

All applications for grants or specially funded projects will be in accordance with the educational goals of the board. Contracts with non-governmental funding entities must be consistent with G.S. 147, art. 6E and art. 6G.

When required by the funding agency, the proposals will be presented for board approval. The board will be notified of all funds awarded.

The superintendent will establish any procedures necessary to develop an efficient and effective process for seeking special funding.

Legal References: G.S. 115C-36, -47; 147 art. 6E, art. 6G

Cross References: Federal Grant Administration (policy 8305)

Adopted: May 1, 2000

Updated: June 6, 2016

A. SELECTION AND EVALUATION

The superintendent shall select and the board will approve a school finance officer. The finance officer serves at the pleasure of the superintendent. The superintendent shall evaluate the finance officer to help ensure that all duties as required by law, board policy, and/or the superintendent are met.

B. DUTIES

The school finance officer provides critical services for the effective planning and use of fiscal resources. The school finance officer shall be responsible to the superintendent for:

1. keeping the accounts of the school system in accordance with generally accepted principles of governmental accounting, board policy, the rules and regulations of the State Board of Education, and the rules and regulations of the Local Government Commission;
2. giving the preaudit and disbursements certificates required by G.S. 115C-441(a1) and (d1), respectively, and establishing procedures to assure compliance with the preaudit requirements;
3. approving or disapproving a disbursement, in accordance with G.S. 115C-441(b), when a bill, invoice, or other claim is presented and establishing procedures to assure compliance with all applicable legal requirements for disbursements;
4. signing and issuing all checks, drafts, and state warrants by the school system;
5. investing the cash balance of any funds, subject to board policy 8110, Budget Resolution;
6. receiving and depositing all moneys accruing to the school system;
7. preparing and filing a statement of the financial condition of the school system as often as requested by the superintendent;
8. preparing and filing a statement of the financial condition of the school system when requested by the board of education or the board of county commissioners, but only if such requests are in writing and copied to the superintendent;
9. performing such other duties as may be assigned by law, by the superintendent, or by rules and regulations of the State Board of Education and the Local Government Commission;
10. providing a copy to the board and notice to the county commissioners of any report received from the Teachers' and State Employees' Retirement System containing a list of employees whose retirement in the upcoming year would likely result in an assessment to the board for additional employer contribution;

11. submitting reports to the Secretary of the Local Government Commission as required by law;
12. receiving and accounting for all clear proceeds of fines, penalties, and forfeitures and notifying the superintendent and board of such funds;
13. reviewing school improvement plans that provide for the transfer of funds between funding allotments or lease purchase contracts;
14. evaluating all continuing contracts, including the principal and interest to be paid, and making recommendations to the superintendent and reports to the superintendent and board as provided in board policy 6425, Continuing Contracts;
15. assisting the superintendent in the development of the budget;
16. prescribing the form and detail of records maintained by the school treasurer;
17. making salary deductions as provided in policy 7620, Payroll Deductions;
18. maintaining custody of the facsimile signature device as provided in policy 8330, Facsimile Signatures; and
19. maintaining custody of insurance policy and programs as provided in policy 8340, Insurance.

C. FIDELITY BOND

The finance officer shall carry a true accounting and faithful performance bond as provided in board policy 8530, Fidelity Bonds.

Legal References: G.S. 115C-105.25, -435, -436, -441, -442, -443, -445, -446, -448, -452, -528

Cross References: Continuing Contracts (policy 6425), Payroll Deductions (policy 7620), Budget Resolution (policy 8110), Facsimile Signatures (policy 8330), Insurance (policy 8340), Fidelity Bonds (policy 8530)

Adopted: January 11, 2016

A. USE OF ARCHITECTS AND/OR ENGINEERS

To the extent required by North Carolina General Statute 133-1.1, a registered architect or registered engineer, or both, will be used to design and inspect school system buildings being repaired or constructed. In addition, architects and/or engineers may be used for services, such as:

1. preparing feasibility studies for additions, alterations or renovations of existing facilities;
2. providing consulting services on technical matters;
3. providing services as agreed upon related to long range planning or facility design; and
4. assisting in the preparation and submission of any documents requested by other governmental agencies.

**B. SELECTION PROCESS FOR ARCHITECTURAL, ENGINEERING, SURVEYING, AND
CONSTRUCTION MANAGEMENT AT RISK SERVICES**

Except as otherwise permitted under G.S. 115C-521(g), the Procurement of architectural, engineering, surveying, or construction management at risk services for facility design, construction, and related services will be accomplished in accordance with the following requirements.

1. Projects with an Estimated Professional Fee of \$50,000 or More
 - a. The superintendent will solicit proposals from service providers based upon qualifications using the following or similar criteria:
 1. training and experience of the service provider, especially in school-related projects;
 2. planning ability and promptness;
 3. experience in specification writing, including reputation for accuracy and sufficiency of detail;
 4. experience in the construction of K-12 buildings;
 5. reputation for quality of design and construction in appearance and utility;
 6. history of thorough inspections and follow through with jobs;
 7. timely completion of projects within the established budgets;
 8. relationships with contractors and designers; and
 9. any other factors the superintendent deems relevant.
 - b. The superintendent shall provide a list of qualified service providers to the board for consideration and selection unless the estimated professional fee for the project is within the superintendent's authority to contract as provided in policy 6420, Contracts with the Board. The list shall not include any ~~company service-provider~~ whose name appears on the state treasurer's ~~list of restricted companies, Final~~

~~Divestment List or Iran Parent and Subsidiary Guidance List~~, developed in accordance with ~~as required by~~ G.S. 147, art. 6E or art 6G.

- c. A North Carolina firm will be granted preference over a nonresident firm, if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents will require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.
- d. Fees will be negotiated with the selected firm. If a fair and reasonable fee cannot be agreed upon, the board or superintendent will select the next best qualified firm and negotiate fees. The contract with the firm must be reviewed by the board attorney, and meet all applicable laws and board policies.

2. Projects with an Estimated Professional Fee of Less than \$50,000.00

- a. The process established in subsection B.1. is not required unless otherwise directed by the board or superintendent for a specific project.
- b. When the estimated professional fee for a project is estimated to be within the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall have authority to select the firm. Board approval of the firm is not required. The contract with the firm must meet all applicable laws and board policies and must be consistent with G.S. 147, art. 6E and art. 6G.
- c. When the professional fee is estimated to exceed the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall recommend one or more firms to the board for consideration. The board will approve the selection of the firm. The contract with the firm must be reviewed by the board attorney, be approved by the board, meet all applicable laws and board policies, and be consistent with G.S. 147, art 6E and art. 6G.

Legal References: G.S. 115C-521(g); 133, arts. 1 and 3; 143-64.31, -64.32; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420). Site Selection (policy 9010), Facility Design (policy 9020)

Adopted: May 1, 2000

Updated: June 1, 2009

Updated: December 9, 2013

Updated: December 7, 2015

Updated: June 6, 2016

Updated: December 5, 2016

PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

Policy Code: 9115

A. GENERAL

1. The purpose of this prequalification process is to impartially evaluate a contractor, and to properly determine by its responsible business practices, work experience, manpower, and equipment that it is qualified to bid on a board construction project, including prime contracts awarded by construction managers pursuant to the Construction Manager at Risk (“CM at Risk”) process. The award of contracts should be the result of open competition in bidding; impartiality in the selection of contractors; integrity in business practices; and skillful performance of public contracts.
2. The administration shall be responsible for prequalifying individual contractors to bid on board construction projects when the administration believes prequalification is preferred. The administration is not required to prequalify contractors for any particular project or projects. However, a contractor shall not be allowed to submit a bid on a construction project subject to prequalification, unless it has been prequalified in accordance with board policy. ~~Prequalification shall not relieve the contractor from compliance with the certification requirements of G.S. 147, art. 6E at the time the contractor’s bid is submitted or the contract is executed.~~
3. The construction manager and the administration shall jointly develop the assessment tool and criteria for each CM at Risk project, including the prequalification scoring values and minimum requirement score. The construction manager shall use the process outlined in this policy for the prequalification of contractors on CM at Risk projects.
4. Notwithstanding the fact that a contractor was prequalified, the board, administration, and construction manager reserve the right to reject a contractor’s bid if it is determined that the contractor has not submitted the lowest responsible and responsive bid. The prequalification of the contractor shall not preclude the board, administration, or construction manager from subsequently concluding that the contractor is not a responsible bidder pursuant to G.S. 143-129. The prequalification of a contract for a project shall only apply to the individual project. All construction and repair contracts shall be awarded to the lowest responsive and responsible bidder, taking into consideration quality, performance, and the time specified in the proposals for the performance of the contract.

B. APPLICATION PROCESS

1. The superintendent or designee shall designate a school official to oversee the prequalification process for each individual project ("School Prequalification Official").
2. Each prospective bidder on contracts identified for prequalification by the administration and all CM at Risk projects shall submit an application on the approved prequalification application form in order to become prequalified. The approved prequalification application form will require information to be provided on the ownership of the firm, experience of the firm's personnel, any affiliations with other construction firms, bonding capacity, financial resources, the type of work performed by the firm, and other objective criteria rationally related to the contract to be awarded.
3. The administration shall ensure that applications prepared for the projects comply with this policy and State law. The application is to be submitted by the deadline established in the notice of prequalification. The act of submitting the application does not permit the firm to submit a bid. Incomplete applications will be rejected or returned for further detail or correction in the sole discretion of the school system or construction manager.

C. APPLICATION

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

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

4. Financial – Firms will be required to provide a complete current annual financial statement (current within the previous 12-month period).
5. Litigation/Claims – Firms must provide information on its success at completing projects on time, including the payment of liquidated damages. The firm will be required to submit information regarding its litigation history, including litigation with owners.
6. Capacity – Firms shall demonstrate sufficient bonding capacity, insurance, and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work. Firms shall also demonstrate an acceptable safety history for construction projects.
7. Legal Authorization – All firms must show that they are legally authorized to conduct business in the State of North Carolina and with the school system and have all required licensure for the work to be performed.

D. REVIEW OF APPLICATION – SCHOOL SYSTEM BID PROJECTS

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

E. REVIEW OF APPLICATION – CM AT RISK PROJECTS

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

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

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

F. APPEALS PROCEDURE

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

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

3. Decision – For projects bid by the school system, the decision of the superintendent or designee or designee shall be final, and the firm shall be promptly notified of the decision via e-mail. For CM at Risk projects, the superintendent or designee shall notify the construction manager of its recommended decision. The construction manager shall review the recommended decision and issue a final decision to the school system and firm. In the event the construction manager rejects a recommendation from the superintendent or designee to prequalify the firm, the construction manager shall provide a written explanation of the denial to both the superintendent or designee and the firm.
4. General Rules for Appeals – Firms submitting applications shall be provided an e-mail address for communication with the construction manager or school system during the appeal process. The firm shall provide at least two e-mail addresses for use by the school system or construction manager in communicating with the firm. All appeals shall be completed prior to the date and time for the receipt and opening of bids.

Legal References: G.S. 143-128.1, -129, and 135.8; 147, art. 6E, **art. 6G**

Cross References:

Adopted: March 2, 2015

Updated: June 6, 2016

The board strives to obtain high quality services at a reasonable price through the bidding process employed by the school system.

A. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS

All contracts formally or informally bid will be awarded to the lowest responsible bidder, taking into consideration quality, performance, reliability, and the time specified in the bids for performance of the contract. Contracts will contain a provision stating that the contractor and contractor's subcontractors, if any, must comply with the requirements of G.S. Chapter 64, Article 2. Prior to bidding, contractors may be required to prequalify if the board has elected to use this process. ~~No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws. For all contracts valued at \$1,000 or more, the board will require each bidder or vendor to certify that it is not listed on the state treasurer's Final Divestment List or Iran Parent and Subsidiary Guidance list, as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.~~

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

The superintendent, on behalf of the board, must certify that good faith efforts have been made to increase the participation in construction contracts by minority-owned and female-owned businesses, as required by policy 9125, Participation by Women- and Minority-Owned Businesses.

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

B. BIDDING METHODS

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

If the superintendent believes the project cannot be reasonably completed under the methods authorized by G.S. 143-128, the superintendent shall so inform the board and make the recommendation to the board that it approve the use of alternative methods. Upon board approval,

the superintendent shall submit to the State Building Commission a request to use an alternative contracting method along with supporting documentation.

C. FORMAL BIDDING

Construction and repair work requiring the estimated expenditure of \$500,000 or more will be advertised for bid and will be awarded through formal bidding procedures. Dividing contracts to lower the expenditure amounts so as to evade these requirements is prohibited. The board authorizes the use of newspaper advertisement, electronic advertisement, or both for formal bids; however, the superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases. The superintendent shall establish formal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders or potential bidders.

D. INFORMAL BIDDING

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

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

E. APPROVAL

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

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

F. RECORDS AND REPORTING REQUIREMENTS

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

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

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

G. DISPUTE RESOLUTION PROCESS

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

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

Legal References: G.S. 64, art. 2; 115C-521, -522; 143-64.31 and art. 8; 147 art. 6E, **art. 6G**

Cross References: Contracts with the Board (policy 6420), Facility Construction Policy (9030), Prequalification of Bidders for Construction Projects (policy 9115), Participation by Women- and Minority-Owned Businesses (policy 9125)

Adopted: January 11, 2016

Updated: June 6, 2016

Updated: August 23, 2016

Updated: October 3, 2016

SALE, DISPOSAL, AND LEASE OF BOARD-OWNED REAL PROPERTY

Policy Code: **9400**

The board will consider the sale and disposal of board-owned real property, including land and buildings, as authorized by law. The board is guided in its decisions by its commitment to help students succeed by providing appropriate facilities and to use its resources in a fiscally and environmentally sound manner.

Any sale or disposal of real property, including school buildings, will be conducted in accordance with statutory requirements. The superintendent will secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration.

When the board decides to lease board-owned property to another entity, the lease will be at the fair market value, except that the board may negotiate a lesser amount with another governmental unit.

All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: G.S. 115C-72, -218.35, -518, -521; 160A art. 12; 147 art. 6E, art. 6G

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: May 1, 2000

Updated: March 3, 2010

Updated: December 7, 2015

Updated: June 6, 2016

Updated: November 7, 2016