

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the district and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

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

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

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

**A. PARENT COMMUNICATION AND CONFERENCES**

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

The principal or designee shall provide the parent of an at-risk student with a copy of the student's personal education plan in accordance with policy 3405, Students at Risk of Academic Failure. Parents should be included in the implementation and ongoing review of their child's personal education plan.

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. ANNUAL NOTIFICATION**

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of student in Title I schools shall receive a copy of the system-wide parent involvement plan.

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. 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 the consequences thereof, and whether each test is required by the State Board of Education or by the local school board.
10. grading practices that will be followed at the school and, for parents of high school students, the means for 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 report containing aggregate information, including, but not limited to student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications;
13. the grade awarded to the school on the most recent annual report card issued for it by the State Board of Education if the school received a grade of D or F.
14. supportive services available to students, including guidance, counseling, and health services (see policy 3610, Counseling Program);
15. information about meningococcal meningitis and influenza, including the causes, the symptoms, the vaccines, how the diseases are spread and places where additional information and vaccinations may be obtained;
16. 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

17. how to reach school officials in emergency situations during non-school hours;
18. 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);
19. information about the school breakfast program;
20. information about the availability and location of free summer food service program meals for students when school is not in session.
21. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
22. 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;
23. education rights of homeless students (see policy 4125, Homeless Students);
24. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);
25. 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);
26. 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; and

27. that the school system provides equal access to its facilities, programs and activities to Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying); and
28. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

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

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

1. 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 and reproductive health and safety education, as provided in policy 3540 Comprehensive Health Education Program.  
A copy of material that will be used in these curricula will be available in the school media center during the school year and other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;
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; or (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 as to the manner in which student directory information is used, the curriculum is provided, or the guidance programs are made available.

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

Written parental permission is required prior to the following activities:

1. administrations of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);
3. off campus trips;
4. student's participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing

special education or related services to children with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);

6. certain health services, as required by law;
7. student's participating in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720 Surveys of Students);
8. disclosure of a student's free and reduced price lunch eligibility information or eligibility status; and .
9. disclosure of the identity of any student receiving supplemental education services under the Title I program.

Legal Reference: Elementary and Secondary Education Act, as amended, 20 U.S. C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g , 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 USC 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2341, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; 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), -81(el), ~~-83.4A(d)~~, -105.41, -109.1, -307(c), -375.4, -390.2, -391.1, -407.16; U.S. C. 6318; 34 C.F.R. 200.37, -200.39, G.S. 90-21.1, 115C-47(47), -47(51), -81(el); State Board of Education Policy FCB-A-000, GCS-A-001, GCS-J-002

Cross Reference: Title I Parent Involvement (policy 1320/3560), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), Evaluation of Student Progress (policy 3400), Class Rankings (policy 3450), Special Education Programs/Rights of Disabled Students (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse - Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), School Plan for Management of Student Behavior (policy 4302) Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student

Wellness (policy 6140), Free and Reduced Price Food Services (policy 6225), Pest Management (policy 9205)

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

**A. DEFINITION OF PARENTAL INVOLVEMENT**

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

1. that parents play an integral role in assisting their child's learning;
2. that parents are encouraged to be actively involved in their child's education at school;
3. that parents are full partners in their child's education and are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and
4. that the school system engages in activities to support parental involvement in the Title I programs.

**B. PURPOSE AND OPERATION OF TITLE I PROGRAM**

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they meet the school system's challenging academic standards. The Title I program is to provide instructional activities and supportive services to eligible students over and above those provided by the regular school program. When applicable, students must be selected to receive Title I services based on objective criteria that are consistent with federal and state requirements, such as standardized test scores, teacher judgment, and results of pre-school screening and home-school surveys.

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

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

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

**C. ANNUAL MEETING**

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

**D. PARENTAL INVOLVEMENT EFFORTS**

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

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

School officials will invite appropriate school personnel from private schools to consult on the design and development of its programs in order to provide equitable services to students enrolled in private schools. The superintendent or designee will establish procedures to achieve timely and meaningful consultation with private school officials in accordance with federal law.

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

1. involve parents in the joint development of the Title I Program and the process of school review and improvement by including parents on the school advisory committee and committees that review the Title I program;
2. provide coordination, technical assistance and other support from various central office departments necessary to assist participating schools in planning and implementing effective parental involvement activities that are designed to improve student academic achievement and school performance;
3. build the schools' and parents' capacity for strong parental involvement by collecting and disseminating information on effective parental involvement techniques;
4. coordinate and integrate parental involvement strategies with parental involvement activities in other programs, such as Head Start and similar programs;
5. with the involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parental involvement policies and program in improving the academic quality of the school;
6. strive to eliminate barriers of parental participation by assisting parents with disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;
7. provide assistance to parents of participating Title I children in understanding the state's testing standards, the assessments used, Title I requirements and all national, state and local standards and expectations through such efforts as community-based meetings, sending information home, newsletters, workshops and newspaper articles;
8. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;
9. with the assistance of parents, ensure that teachers, pupil services personnel, principals and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with and reach out to parents as equal partners in education;

10. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to help parents monitor their child's progress and work with educators to improve achievement through such methods as technology or literacy training;
11. coordinate and integrate parental involvement programs with pre-school programs and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;
12. strengthen the partnership with agencies, businesses and programs that operate in the community;
13. ensure that parents are involved in the school's Title I activities; and
14. provide such other reasonable support for Title I parental involvement activities as requested by parents.

**E. NOTICE REQUIREMENTS**

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

**1. LEP Program**

- a. Each year the principal or designee shall provide notice of the following to parents of limited English proficient (LEP) children identified for participation in a Title I, Part A-funded language-instruction educational program:
  - i. the reasons for the child's identification;
  - ii. the child's level of English proficiency;
  - iii. methods of instruction;
  - iv. how the program will help the child;
  - v. the exit requirements for the program;
  - vi. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational program (IEP); and

vii. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal and selection of an LEP program.

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

## 2. System Report Card and School Progress Review

a. Each year, school system officials shall disseminate to all parents, schools and the public a school system report card containing aggregate information, including, but not limited to, student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications.

b. Each year, school system officials shall disseminate to all parents, schools and the community the results of the LES's yearly progress review of each school.

## 3. Teacher Qualifications

a. Each year, school system officials shall notify parents of Title I students of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child (see policy 7820, Personnel Files).

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who is not "highly qualified" as defined in the No Child Left Behind Act.

## 4. Parental Rights and Opportunities for Involvement

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

## **F. WEBSITE NOTIFICATION**

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

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

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

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.* 34 C.F.R. pt. 200; 20 U.S.C. 7801(32); *Public School Choice Non-Regulatory Guidance*, U.S. Department of Education (January 14, 2009); *Supplemental Educational Services Non-Regulatory Guidance*, U.S. Department of Education (January 14, 2009); U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012); ~~State Board of Education Policy TCS-R-000~~

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

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

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Safe schools are critical to creating a learning environment where 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 includes: during school hours, including while in 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 who 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 in order 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 time 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 student 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 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 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 superintendent shall develop system-wide plans and procedures to address emergency situations. 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 the School Emergency Response Plan. 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 emergency access to key storage devices for all school buildings and with updated access to school building key storage devices when changes are made to the devices.

As appropriate, the superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with schools system emergency plans and procedures.

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 reports 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 Reference: G.S. 14-208.18; 115C-36, -47, -81.4, -105.49. -105.53, -105.54. -166, -288, -289.1, -307, -390.3, -391.1, -524, -525; State Board of Education Policies HRS-A-000, TCS-P-005

Cross Reference: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230, Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7335), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior Policies (all policies in the 4300 series), School Volunteers (policy 5015), Visitors to Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5025/7275), 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: *N.C. Center for Safer Schools 2013 Report to the Governor*, available at [https://www.ncdps.gov/div/JJ/CenterForSaferSchoolsReport2013-web\(1\).pdf](https://www.ncdps.gov/div/JJ/CenterForSaferSchoolsReport2013-web(1).pdf); *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> ; *Keeping North Carolina Schools Safe and Secure*, A Report to Governor Mike Easley from Attorney General Roy Cooper and Secretary of Crime Control and Public Safety Bryan Beatty (November 2006), available at <http://www.ncdoj.gov/getdoc2158e7b1-bd55-4cal-bdf4-80260f766926/Keeping-North-Carolina-Schools-Safe---Secure.aspx>

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## **PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING**

*Policy Code : 1710/4021/7230*

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

### **A. PROHIBITED BEHAVIORS AND CONSEQUENCES**

#### **1. Discrimination, Harassment and Bullying**

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

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

Any violation of this policy is serious and school officials shall promptly take appropriate action. Students will be disciplined in accordance with the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion.

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

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

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

**2. Retaliation**

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

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

**B. APPLICATION OF POLICY**

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

This policy applies to behavior that takes place:

1. in any school building or on any school premises before, during or after school hours;
2. on any bus or other vehicle as part of any school activity;
3. at any bus stop;
4. during any school sponsored activity or extracurricular activity;
5. at any time or place when the individual is subject to the authority of school personnel; and
6. at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.
7. By way of inclusion, but not limitation, this policy applies to the use of

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

## C. DEFINITIONS

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

### 1. Discrimination

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

### 2. Harassment and Bullying

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

- (1) Places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property.
- (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

"Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassment and bullying include, but are not limited to, behavior described above that is reasonable perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic such as race, color, religion, ancestry, national origin, gender, socioeconomic status,

academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusions from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, is not limited to specific situations or relationships. It may occur: between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

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

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, or the display of sexually suggestive drawings, objects, pictures or written materials. Acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

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

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

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

**E. TRAINING AND PROGRAMS**

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

As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board's effort to address discrimination, harassment



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

**F. NOTICE**

The superintendent is responsible for providing effective notice to students, parents and employees of this policy of the procedures for reporting and investigating complaints of discrimination, harassment and bullying established in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each school principal provides a copy of this policy and policy 1720/4015/7225 to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

**G. COORDINATORS**

The superintendent has appointed the following individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI of Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act and/or the Boy Scouts Act, for alleging actions which would be prohibited by those laws

Title IX Coordinator

1. Section 504 Coordinator

2. ADA Coordinator
3. Age Discrimination Coordinator
4. Coordinator for Other Non-discrimination Laws

#### **H. RECORDS AND REPORTING**

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

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

#### **I. EVALUATION**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; 34 C.F.R. pt. 110; Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705 (20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*; 29 C.F.R. pt.1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U. S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter*, U.S. Department of Education, Office for Civil Rights, (October 26, 2010, available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf>;

Dear Colleague Letter, U.S. Department of Education, Office for Civil Rights, (April 4, 2011) available at <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.9 through -407.12; 126-16; State Board of Education Policy HRS-A-007

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

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Updated:

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

*Policy Code: 1720/4015/7225*

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The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

### **A. DEFINITIONS**

1. Alleged Perpetrator

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

2. Complaint

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

3. Complainant

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

4. Days

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

5. Investigative Report

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

6. Investigator

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

7. Report

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

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

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

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

3. Anonymous Reporting

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

4. Investigation of Reports

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

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

1. Filing a Complaint

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

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

Office for Civil Rights  
U.S. Department of Education  
4000 Maryland Ave, SW  
Washington, DC 20202-1475  
Telephone: 202-453-6020 TDD: 800-877-8339  
FAX: 202-453-6021 Email: OCR.DC@ed.gov

2. Time Period for Filing a Complaint

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

### 3. Informal Resolution

The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation. The board encourages the use of informal procedures such as mediation to the extent possible; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence complaints by a student of sexual harassment perpetrated by an employee, or when otherwise inappropriate. Informal procedures may be used only if the parties involved voluntarily agree.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

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

### 1. Initiating the Investigation

- a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:
  1. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.
  2. If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.

3. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent or a member of the board.
  4. If the alleged perpetrator is the assistant superintendent for human resources, the superintendent or designee is the investigator.
  5. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)
  6. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)
- b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.
  - c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.
  - d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.
  - e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.
2. Conducting the Investigation



- a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.
  - b. The complaint and investigation will be kept confidential to the extent possible. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.
  - c. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.
3. Investigative Report
- a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA or other coordinator.
  - b. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:
    - 1. reasonable, timely, age-appropriate, corrective action intended to end the discrimination, harassment or bullying and prevent it from recurring;

2. as needed, reasonable steps to address the effects of the discrimination, harassment or bullying on the complainant; and
    3. as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.
  - c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).
  - d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.
  - e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment or bullying.
4. Appeal of Investigative Report
- a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further

investigation is needed.

- b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

#### **E. TIMELINESS OF PROCESS**

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

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

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

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

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear

complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.

4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.
5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

## **G. RECORDS**

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; 34 C.F.R. pt. 110 Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act 20 U.S.C. 7905, 34. C.F.R pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-407.15 through -407.18; ~~State Board of Education Policy HRS-A-007~~

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

Adopted: January 11, 2010

Updated: July 12, 2011

Updated: April 3, 2012

Updated:

## **PARENTAL INSPECTION AND OBJECTION TO INSTRUCTIONAL MATERIALS**

*Policy Code:*

**3210**

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

The board recognizes that despite the opportunity to participate in the selection of materials, parents still may have concerns about instructional materials used in the school district. Thus, to further involve parents in the education of their children, the board also provides opportunities for parents to review instructional materials and a process for parents to use when they object to instructional materials.

### **A. PARENTAL RIGHT TO INSPECT MATERIALS**

Parents have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis or evaluation as part of any applicable federally funded programs. Parents ordinarily also may review all other instructional materials following procedures provided by the school or superintendent. The term “instructional materials” does not include academic tests or assessments. Some materials available through the Internet and used in individual classes to provide up-to-date information or information on current events may not be available for advance review; however, all materials used in reproductive health and safety education shall be available for review as provided in policy 3540, Comprehensive Health Education Program.

### **B. PARENTAL OBJECTION TO MATERIALS**

Parents may submit an objection in writing to the principal regarding the use of particular instructional materials. The principal may establish a committee to review the objection. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.

If the principal or the committee determines that any material violates constitutional or other legal rights of the parent or student, the principal or the committee shall either remove the material from instructional use or accommodate the particular student and parent. Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with and articulated from grade to grade. If an objection made by a parent or student

is not based upon constitutional or legal rights, the principal or the committee may accommodate such objections after considering the effect on curriculum, any burden on the school, teacher or other students that the accommodation would create, and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

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

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

Legal References: U.S. Const. amend. I; 20 U.S.C. §1232h N.C. Const. art. I, §14; *Board of Educ. V. Pico*, 457 U.S. 853 (1982); G.S. 115C-45, -47, -81, -98, -101

Cross References: Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Comprehensive Health Education Program (policy 3540)

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Updated: January 14, 2013

Updated:

## **TECHNOLOGY IN THE EDUCATIONAL PROGRAM**

*Policy Code:* **3220**

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In alliance with state school technology goals, the board is committed to establishing and supporting 21<sup>st</sup> 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 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 21<sup>st</sup> century skill 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 it requires the transfer of funds or otherwise relates to any mandatory or optional components of the school improvement plan.

The superintendent shall develop and submit to the board for approval a local school system technology plan that is aligned with state guidelines and applicable federal rules. The superintendent shall incorporate this plan into the 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. Once the board has approved the plan, the superintendent shall ensure expenditures on school information and communications technologies are made in accordance with the technology plan.

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, PDAs, 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 current statewide instructional standards or the programs of the school system.
2. Technological resources must support the current use of learning and instructional management technologies in the school.
3. Technological resources must be compatible with current 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 district'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 and practices 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, inline collaborations, PDAs, IMing, 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 instruction 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; State Board of Education Policy TCS-C-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 (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:

## **TECHNOLOGY RESPONSIBLE USE POLICY**

*Policy Code: 3225/4312/7320*

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The board provides its student and staff access to a variety of technological resources. These resources provide opportunities to enhance learning and improve communication within the school community and with the larger global community. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal and responsible use. Accordingly, the board establishes this policy to govern student and employee use of school system technological resources. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools and learning environments made available by or on the networks, and all devices that connect to those networks.

### **A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

The use of school system technological resources, including access to the Internet, is a privilege, not a right. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette. General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct and other regulations and school rules, apply to use of the Internet and other school technological resources.

In addition, anyone who uses school system computers or electronic devices or who accesses the school network or the Internet using school system resources must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

Before using the Internet, all students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating that they understand and will strictly comply with these requirements. The agreement is in effect until either the student changes schools or the employee moves to a different place of employment within the Montgomery County School System. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

**B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with the school system business and is not otherwise prohibited by board policy or procedure.
2. Under no circumstances may software purchased by the school system be copied for personal use.
3. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.
4. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to

minors.

5. The use of anonymous proxies to circumvent content filtering is prohibited.
6. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.
7. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).
8. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information. In addition school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records. Users also may not forward or post personal communications without the author's prior consent.
9. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data or any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.
10. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.
11. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or

accounts.

12. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.
13. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.
14. Employees shall not use passwords or user IDs for any data system (e.g., NCWISE, CECAS, time-keeping software, etc.) for an unauthorized or improper use.
15. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.
16. Teachers shall make reasonable efforts to supervise a student's use of the Internet during instructional time.
17. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

**C. RESTRICTED MATERIAL ON THE INTERNET**

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing materials and information that is obscene, pornographic or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and

board policy. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service

**D. PARENTAL CONSENT**

The board recognizes that parents of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student's parent must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in independent use of the Internet. The parent and student must consent to the student's independent access to the Internet and to monitoring of the student's e-mail communication by school personnel.

In addition, in accordance with the board's goals and visions for technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third party accounts.

**E. PRIVACY**

No right of privacy exists in the use of technological resources. Users should not assume that files or communications created or transmitted using school system technological resources or stored on services or hard drives of individual computers will be private. School system administrators or individuals designated by the superintendent may review files, monitor all communications, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

**F. PERSONAL WEBSITES**

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks

without permission.

1. Students

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the 4300 series).

2. Employees

Employees' personal websites are subject to policy 7335, Employee Use of Social Media.

3. Volunteers

Volunteers are to maintain an appropriate relationship with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or on-line networking profiles in order to prevent. The possibility that students could view materials that is not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

Legal Reference: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; G.S. 115C,-325(e), -391

Cross Reference: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), Web Page Development ( policy 3227/7322), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Use of Equipment, Materials and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335).



Adopted: August 1, 2005  
Updated: April 6, 2009  
Updated: January 12, 2012  
Updated: January 14, 2013  
Updated:

School trips designed to stimulate student interest and inquiry may be appropriate classroom extensions and may enhance learning in the classroom. School trips may help meet educational goals and objectives by connecting learning with experiences outside the classroom environment.

All eligible students will be given an opportunity to participate in school trips. No student will be denied participation because of economic hardship or because the student has a disability.

**A. AUTHORIZATION OF SCHOOL TRIPS**

A school trip occurs when a student or group of students leaves a school campus under the sponsorship of the school and under the supervision of school employees to extend the educational experiences of that student or group. This includes such trips taken by extracurricular groups but does not include trips by athletic teams to participate in athletic events or competitions that are part of the team's regular season or playoffs. The principal must approve all school trips in advance. School trips that involve travel out of state and/or an overnight stay must also receive prior approval from the superintendent or designee. All one (1) day school trips must be approved by central office personnel prior to the requested trip date. Requests for overnight school trips must be submitted to central office personnel two (2) weeks in advance of the monthly board meeting prior to the trip. Parental permission is required for all school trips. School trips that require travel outside the continental United States are prohibited. The superintendent shall develop additional procedures for the request and approval of school trips.

**B. PARENTAL NOTICE AND CONSENT**

All students who participate in a school trip must provide signed parental consent forms to participate, unless a student is officially emancipated, in which case the student can consent on his or her own behalf. A student who fails to provide a signed consent form may be denied participation in the trip. No student's grade may be lowered or raised based on parental consent to participate in the school trip. The superintendent shall develop procedures to ensure parents are given proper notice of trip details and that parents provide signed authorization and consent regarding their child's participation and care during the trip.

**C. COSTS**

Students must not be charged a fee for any required school trip for which credit is granted. The board may impose fees for other non-required school trips. Pursuant to policy 4600, Student Fees, and any corresponding fee waiver or reduction procedures, any fees imposed for school trips may be waived or reduced for students who demonstrate real economic hardship

**D. SCHOOL-RELATED ACTIVITIES**

All classroom activities are important and difficult, if not impossible, to replace if missed. It is the intention of the board of education that classes missed be kept to an absolute minimum through close scrutiny and a monitoring system on the part of the principal. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. school-initiated and scheduled activities;
3. athletic events that require early dismissal from school; or in-school suspension.

Assignments missed for these reasons will be completed by students. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

**Field Trips – Grades K-5**

Grades K-5 may make no more than the following field trips each school year:

- One out of county trip that is grade appropriate and instructionally relevant.
- One in county field trip of no more than six hours or the hours may be divided into more than one shorter trip. If shorter trips are taken the total of all the trips may not exceed six hours. The hours planned for each trip must be listed on the field trip request form that is submitted to the county office for approval.
- Teachers may exchange the allotted out of county trips for an additional in county trip, but may not exchange the allotted in county trip for an additional out of county trip.
- Beginning with the 2011-2012 school year elementary students may not

participate in overnight field trips.

- Field trips should be well planned and objectives listed. Special attention should be paid to the grade level, distance of trip, educational soundness, availability of gas and vehicles, the cost factor, and the state of the economy.
- All trips should come as an outgrowth of a unit of study and follow-up activities should result.
- Movies are not recommended as an educational field trip.
- Duplication of field trips across grade levels is not allowed.
- Shopping sprees on field trips are not allowed.
- All students must have signed permission slips to participate in all field trips (including walking trips).
- Any questions or problems concerning field trips that do not meet policy guidelines should be submitted to the executive director of human resources/auxiliary services for a decision.
- All field trips will be evaluated according to policy by the principal and the superintendent's designee for approval or disapproval.

NOTE: All trips shall be described on the form entitled Field Trip Request. These forms are available in the principal's office and must be signed by the principal and the assistant superintendent of operations.

#### Field Trips – Grades 6-8

- Trips should be well planned and objectives listed. Special attention should be paid to the grade level, distance of trip, educational soundness, availability of gas and vehicles, the cost factor, and state of the economy.
- All trips should develop as an outgrowth of a unit of study and follow-up activities should result.
- Movies are not recommended as an educational field trip.
- Duplication of field trips across grade levels is not allowed.

## **SCHOOL TRIPS**

*policy code: 3320*

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- In-county field trips across grade levels are not allowed.
- In-county field trips are encouraged as opposed to out-of-county trips as long as the trip meets the requirements of guidelines.
- Shopping sprees on field trips are not allowed.
- All field trips will be evaluated according to policy by the principal and the executive director of human resources/auxiliary services for approval or disapproval.
- All students must have signed permission slips to participate in all field trips (including walking trips).

NOTE: All trips shall be described on the form entitled Field Trip Request. These forms are available in the principal's office and must be signed by the principal and the assistant superintendent of operations.

### **Field Trips – Grades 9-12**

- Trips should be well planned and objectives listed. Special attention should be paid to the grade level, distance of trip, educational soundness, availability of gas and vehicles, the cost factor, and the state of the economy.
- All trips should come as an outgrowth of a unit of study and follow-up activities should result.
- Movies are not recommended as an educational field trip.
- Shopping sprees on field trips are not allowed.
- All students must have signed permission slips to participate in all field trips (including walking trips).
- Any questions or problems concerning field trips that do not meet policy guidelines should be submitted to the board of education and/or superintendent for a decision.
- If no local funds are available, the classroom teacher will assume the responsibility for obtaining the money for gas through parent donations.

## **SCHOOL TRIPS**

*policy code: 3320*

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- When possible, field trips should be planned for teacher workdays and/or weekends.
- No student drivers in private cars will be allowed for field trips.
- Adult chaperones should be provided for every seventeen students for out-of-county trips.
- An overnight trip must have the approval of the executive director of human resources/auxiliary services and local board of education.
- All field trips will be evaluated according to policy by the principal and the s executive director of human resources/auxiliary services for approval or disapproval.

### **E. STUDENT SAFETY AND DISCIPLINE**

Policy 1510/4200/7270, School Safety, applies to all students, school employees and volunteers while they are taking part in school trips. Students are also subject to the student behavior policies in the 4300 series, the Code of Student Conduct, and all school rules while participating in a school trip.

The superintendent shall develop any additional regulations necessary to ensure student safety, provide adequate supervision, and clarify student behavior standards.

### **F. TRANSPORTATION AND OTHER ACCOMODATIONS**

Policy 6320 Use of Student Transportation Services will apply to the use of vehicles for all school trips. Policy 6315, Drivers, applies to all drivers of school buses and activity buses, but does not apply to drivers of charter buses who are not subject to school board authority, aside from any agreed upon provisions in the contract with the charter company

### **G. CHAPERONES AND VOLUNTEERS**

All chaperones and volunteers accompanying students on schools trips must meet the standards established by policy 5015, School Volunteers. The superintendent shall develop any necessary additional regulations governing chaperones and volunteers on school trips.

### **H. NON-SCHOOL SPONSORED TRIPS**

A non-school sponsored trip is a trip or tour organized and sponsored by (1) an

individual teacher or group of teachers acting as private citizens and not as school employees, (2) a travel agency, or (3) any other individual or association not employed by, sponsored by, or under contract with the board. The board and the school system assume no responsibility or liability for non-school sponsored trips.

Non-school sponsored trips may be promoted or advertised in the schools only in accordance with policy 5240, Advertising in the Schools. Promotional materials may be displayed or distributed in the schools only in accordance with policy 5210, Distribution and Display of Non-School Material. All promotional materials for non-school sponsored trips must prominently state that the trip is not sponsored or endorsed by the school or school system. Moreover, any employee who sponsors or recruits students for a non-school sponsored trip shall notify the student and their parents or guardians that the trip is not sponsored or endorsed by the school or school system and shall obtain a signed acknowledgement from each parent that the trip is not school sponsored.

School employees shall not engage in any planning or administrative tasks associated with a non-school sponsored trip during the employee workday. School employees who want to use school facilities to hold a meeting concerning a non-school sponsored trip must follow the process set forth in policy 5030, Community Use of Facilities, and any corresponding regulations. School employees must use eligible leave for any time missed from work during a non-school sponsored trip.

School employees are prohibited from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments.

Students will not be required to participate in any non-school sponsored trip. Students are discouraged from participating in non-school sponsored trips that conflict with instructional school days or are scheduled fewer than 10 school days prior to final exams or other state-mandated assessments. Absences for non-school sponsored trips will be designated as excused or unexcused in accordance with policy 4400, Attendance.

Legal References: G.S. 115C-47, -288, -307

Cross References: School Safety (policy 1510/4200/7270), Goals and Objectives of the Educational Program (policy 3000), Student Behavior Policies (policies in the 4300 series), Attendance (policy 4400), Student Fees (policy 4600), School Volunteers (policy 5015), Community Use of Facilities (policy 5030), Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240), Use of Student

## **SCHOOL TRIPS**

*policy code: 3320*

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Transportation Services (policy 6320), Contracts with the Board (policy 6420).

Adopted: March 6, 2000

Amended: August 4, 2008

Revised: January 12, 2009

Updated: January 19, 2011

Updated: December 6, 2011

Updated:



The board believes that an effective testing and assessment program evaluates the progress of individual students and helps ensure that educational goals and objectives are being met for every child. A testing program also assists in the continued refinement of the instructional program. In addition, data from tests and assessments provide measures of student learning that are useful for evaluating educator effectiveness.

Every effort will be made to ensure that the testing program contributes to the learning process rather than detracts from it. Efforts also will be made to use only culture-free or culture-fair tests in order to ensure that measurements are reasonably accurate.

**A. ADMINISTRATION OF TESTS, SCREENINGS, AND OTHER ASSESSMENTS**

The superintendent shall provide for the proper administration of all state-required tests, screenings, and other assessments and any state-required remedial instruction and/or retesting in accordance with all requirements established by law or the State Board of Education. The superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described in Section B, below, and any other applicable state requirements are met.

Students may participate in field testing and other sample testing as designated by the State Board or the Department of Public Instruction.

The superintendent shall develop security and administration procedures for the state testing program and other assessments that are consistent with State Board of Education requirements and relevant law. The superintendent shall ensure that all relevant personnel are instructed in such procedures.

All testing personnel, teachers and school administrators are required to be familiar with and adhere to all applicable testing manuals, handbooks, and guides, including the Testing Code of Ethics for state and locally required tests. Failure to follow the Code may result in disciplinary sanctions, including termination or revocation of administrative and/or teaching licenses.

Consistent with state goals, the superintendent shall submit to the board for approval a plan for transitioning to online administration of all end-of-grade and end-of-course tests beginning in the 2014-2015 school year. The superintendent shall conduct any necessary evaluation of the school system's connectivity, personnel and hardware needs prior to developing the plan and shall consider

State Board of Education best practices for online assessments in the development of the plan. Once the school system has fully transitioned to online assessments, the superintendent shall keep the board informed of any resources or other measures needed to enable continued full participation in online assessments.

**B. HIGH SCHOOL FINAL EXAMS AND END-OF-COURSE TESTING**

High school students must take all 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. The results of EOC tests, NC Final Exams, or CTE Post-Assessments will count as 25 percent of a student's final grade in each high school course for which there is an EOC test, NC Final Exams, or CTE Post-Assessment. This requirement does not apply to EOC tests for students following the Occupational Course of Study. Further, CTE students who earn certain credentials will not be required to take the CTE Post-Assessment in the course.

**C. MINIMIZING TIME SPENT TESTING**

The superintendent or designee shall ensure that the time students spend taking standardized state and local tests and the frequency of field testing at a particular school are minimized. Specifically, the superintendent shall ensure the following.

1. Schools will devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning.
2. Students will not be subject to field tests or national tests during the two-week period preceding their school's administration of end-of-grade tests, end-of-course tests or regularly scheduled final exams.
3. No school will participate in more than two field tests at any one grade level during a school year.
4. All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) or other applicable law and all final exams for courses will be administered within the final ten instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester

courses. Exceptions will be permitted to accommodate a student's individualized education program and Section 504 plans and for the administration of final exams for courses with national or international curricula required to be held at designated times.

Legal References: The Family Educational Rights and Privacy Act, 20 U.S. C. 1232g, -h; 34 C.F.R. pt. 99; G.S. 115C, art. 10A; 115C-47, -81, -174.11, -174.12(a), -276, -288, -307; -402.5; State Board of Education Policies GCS-A series; GCS-C series; GCS-N series; TCP-C-006; 16 N.C.A.C. 6D.0301 - .0306

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other references: Online Assessments Best Practices Guide (NCDPI), available at <http://www.dpi.state.nc.us/acre/assessment/guide/>; *Measures of Student Learning*: NC's Common Exams (NCDPI), available at <http://www.ncpublicschools.org/docs/accountability/common-exams/implementations-guide.pdf>

Adopted: March 6, 2000

Updated: June 1, 2009

Updated: March 6, 2010

Updated: December 6, 2011

Updated: January 14, 2013

Updated: June 3, 2013

Updated: June 2, 2014

Updated:

**A. PURPOSE**

The board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level as described in this policy.

**B. STANDARDS FOR PROGRESSION**

The superintendent will develop (1) proposed promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of student, such as standardized tests scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6 *et seq.* and State Board of Education Policies GCS-J-002 and -003.

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to use personal education plans as required in policy 3405, Students at Risk of Academic Failure, to address the needs of students who are not making adequate academic progress.

**C. DIPLOMA STANDARDS**

To receive a North Carolina high school diploma, all students must complete the requirements set forth in policy 3460, Graduation Requirements:

**D. APPEALS OF PROMOTION DECISIONS**

1. Appeal to the Superintendent

Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

The superintendent must render a decision within 10 work days of receiving the appeal. The superintendent may support the principal's decision, remand it back to the principal for consideration of additional issues or reverse the decision.

The superintendent's findings must be in writing and must be provided to the parents.

2. Appeal to the Board of Education

The superintendent's decision to promote or retain a student may be appealed to the board in accordance with the procedures set forth in subsection E.5 of policy 1740/4010, Student and Parent Grievance Procedures.

**E. READING CAMPS**

The board will provide reading camp opportunities as required by law at no fee for students who have not yet demonstrated reading proficiency on a third grade level at the end of the student's third grade year. To the extent resources permit, the board will offer fee-based reading camp opportunities to students who have successfully demonstrated reading proficiency appropriate for a third grade student. Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent shall notify interested parents of the application procedure for the fee-based reading camps.

**F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES**

To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or the end-of-course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

All intervention strategies and other opportunities, benefits and resources that

are made available to students without disabilities must be made available to those students with disabilities who are subject to the student promotion standards. Such opportunities must be in addition to the special education services provided to the student.

**G. CREDIT BY DEMONSTRATED MASTERY**

Beginning with the 2014-15 school year, the superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

**H. ACCELERATION**

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore subjects in greater detail or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify concurrent enrollment or other curriculum expansion options (see policy 3101, Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate. If permitted by state law and State Board policy, credit toward high school graduation may be awarded for advancement or placement out of a high school course. The superintendent shall provide any additional criteria necessary to make a determination of whether credit may be awarded.

**I. REPORTING REQUIREMENTS**

**1. Superintendent's Report to the Board**

At least on an annual basis, the superintendent shall provide the board with the following information for each school:

- a. aggregate student performance scores on state-mandated tests and any

other standardized tests used by a school or the school system;

- b. the number and percentage of students retained and/or not meeting the standards for their grade level;
  - c. the number and percentage of third grade student exempt from mandatory third grade retention by category of exemption as listed in state law; and
  - d. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.
2. Report to the North Carolina State Board of Education and Department of Public Instruction

Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

#### **J. RESOURCES**

Consistent with the objective of improving student performance, the board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The board will consider requests to transfer funds from other funding allotment categories to intervention strategies as a part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with policy 8300, Fiscal Management Standards.

#### **K. NOTIFICATION TO PARENTS**

The superintendent or designee shall provide information regarding promotion standards to all students and parents. In addition, if a kindergarten, first grade, second grade or third grade student (1) is demonstrating difficulty with reading development; (2) is not reading at grade level; or (3) has a personal education plan under G. S. 115C-105.41, the student's teacher shall provide the student's parents timely written notice advising that if the student is not demonstrating reading proficiency by the end of the third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers

and the principal. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7 (a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

#### **L. CHILDREN OF MILITARY FAMILIES**

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and policy 4155, Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or ~~program~~ prerequisites or other preconditions for the placement of children of military families in courses or ~~programs~~ offered by the school system.

#### **M. ATHLETIC ELIGIBILITY**

Montgomery County Schools will follow the North Carolina High School Athletic Association rules.

Legal References: G.S. 115C-36, -45 (c), -47, -81, -83.2, -83.7, -83.8, -83.9, 83.10, -105.21, -174.11, -288(a), -407.5, State Board of Education Policies GCS-J-002, GCS-J-003, GCS-M-001

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Students at-Risk of Academic Failure (policy 3405), School Improvement Plan (policy 3430), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Children of Military Families (policy 4050), Assignment to Classes (policy 4155) Fiscal Management Standards (policy 8300)



## STUDENT PROMOTION AND ACCOUNTABILITY

Policy Code: 3420

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Other Resources: *Guidelines for Testing Students Identified as Limited English Proficient*, (N.C. Department of Public Instruction) available at <http://www.dpi.state.nc.us/docs/accountability/policyoperations/lep/testinglep1314.pdf> ;  
*North Carolina Read to Achieve: A Guide to Implementing House Bill 950/S.L. 2012-143 Section 7A* (N.C. Department of Public Instruction), available at <http://www.dpi.state.nc.us/docs/k-3literacy/resources/guidebook.pdf>

Adopted: March 6, 2000  
Updated: June 1, 2009  
Updated: November 2, 2009  
Updated: April 13, 2010  
Updated: November 3, 2010  
Updated: September 14, 2011  
Updated: June 3, 2013  
Updated: June 2, 2014  
Updated:

The United States Constitution and North Carolina Constitution protect the right of an individual to subscribe to any religious beliefs or to no religious beliefs at all. It is the board's policy to comply with federal and state law regarding religion and religious expression in the schools. The board will neither advance nor inhibit any religion or religious belief, viewpoint, expression, or practice.

It is also the policy of the board to support, within the framework of the United States Constitution and the North Carolina Constitution, the free, private exercise of the individual religious beliefs by students and school employees. The board will not prevent, or otherwise deny participation in, constitutionally protected prayer in the system's schools, consistent with guidance issued by the U.S. Department of Education and applicable judicial decisions interpreting the religion clauses of the First Amendment of the U.S. Constitution. This policy supersedes any other board policy that is inconsistent with it.

The board also recognizes the importance of the religious heritage of the United States of America and North Carolina and respects the diverse religious beliefs of members of the school community. School employees are expected to show respect for the beliefs of all students and employees. Also, school programs and activities should be designed to foster understanding, appreciation and respect for the diverse beliefs of the school system's students and employees.

In order to ensure that the school system upholds constitutional standards within the religiously neutral role assigned to public schools, school employees should request approval from the school principal before planning a school-sponsored instructional activity, observance, program, or other event that will include religious content, or could be construed as a religious ceremony or celebration. As necessary, the principal shall confer with the superintendent or designee to determine whether the proposed activity is consistent with constitutional requirements. The superintendent or designee shall consult the board attorney whenever prudent to do so to determine the applicable legal standards and /or the constitutionality of the proposed activity.

If the proposed activity is inconsistent with such standards, it will not be permitted.

The superintendent, in consultation with the board attorney, shall develop administrative regulations designed to comply with the requirements of the United States Constitution and court decisions interpreting the Constitution. The regulations also shall address pertinent statutes enacted by the North Carolina General Assembly.

Legal References: U.S. Const. amend. I; Equal Access Act, 20 U.S.C. 4071-4074; N.C. Const. art. I, § 14; G.S. 115C-36, -47, -407.30 through -407.33

Cross References: Board Attorney (policy 2610), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Religious-Based Exemptions from School Programs (policy 3510), Distribution and Display of Non-School Material (policy 5210)

Adopted: August 3, 2009

Updated:

The board recognizes the unique circumstances faced by children of military families who are often required to transfer to a new school system because their parents or guardians have a new military assignment. The board also recognizes that children whose immediate family members are deployed by the military may be at increased risk of emotional, psychological or other harm. The board is committed to supporting these children in the school system and to serve their unique needs.

**IDENTIFICATION OF MILITARY-CONNECTED STUDENTS**

Each principal shall annually identify all military-connected students enrolled in the school and shall develop a means for serving their unique needs. For purposes of this section, a military-connected student is defined as a student who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

The identification of military-connected students is not a public record subject to public records law.

**COMPLIANCE WITH THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN**

In order to promote flexibility and cooperation between the school system, parents and guardians, and children of military families, to promote children's well-being, and to assist these children in achieving educational success in their new schools, the superintendent shall adopt procedures necessary to ensure compliance with the Interstate Compact on Educational Opportunity for Military Children (hereinafter "Compact") and to educate employees about the unique needs of children of military families..

The following definitions apply to all policies and procedures adopted in compliance with the Compact.

**1. Definitions**

The following definitions apply to all policies and procedures adopted in compliance with the Compact.

- a. Active duty is full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301, et seq. and 10 U.S.C. 12401, et seq.

b. Children of Military Families

Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

c. Deployment

Deployment is the period one month prior to the service members' departure from their home station on military orders through six months after their return to their home station.

d. Education Records

Education Records are those official records, files and data directly related to a student and maintained by the school or school system, including but not limited to records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

e. Extracurricular Activities

Extracurricular activities are voluntary activities sponsored by the school or school system or an organization sanctioned by the school system. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

f. Member State

A member state is a state that has enacted the Compact.

g. Non-Member State

A non-member state is a state that has not enacted the Compact.

h. Receiving State

The receiving state is the state to which a child of a military family is sent, brought, or caused to be sent or brought.

i. Rule

A rule is a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule.

j. Sending State

The sending state is the state from which a child of a military family is sent, brought, or caused to be sent or brought.

k. Student

The student is the child of a military family for whom the school system receives public funding and who is formally enrolled in kindergarten through twelfth grade.

l. Transition

The transition is (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

m. Uniformed Services

The uniformed services are the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Services.

n. Veteran

A veteran is a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

## **2. THOSE TO WHOM ADOPTED POLICIES AND PROCEDURES APPLY**

Policies and procedures that are adopted to comply with the Compact apply to the children of:

- a. Active duty members of the uniformed services as defined in Section A of this policy, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301, et seq. and 10 U.S.C. 12401, et seq.;
- b. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
- c. Members of uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

**3. THOSE TO WHOM ADOPTED POLICIES AND PROCEDURES DO NOT APPLY**

The policies and procedures adopted to comply with the Compact do not apply to the children of:

- 1. inactive members of the National Guard and Military Reserves;
- 2. members of the uniformed services now retired, except as provided in Section B of this policy; and
- 3. veterans of the uniform services, except as provided in Section B of this policy, and other U.S. Department of Defense personnel and other federal agency civilians and contract employees not defined as active duty members of the uniformed services.

Legal References: G.S. 115C-12(18)(f), 288(m) -407.5

Cross References: Student Promotion and Accountability (policy 3420), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Assignment to Classes (policy 4155), Attendance (policy 4400), Student Records (policy 4700)

Adopted: May 4, 2009

Updated: December 6, 2011

Updated: January 14, 2013

Updated:

The board will make reasonable accommodations for qualified persons with disabilities in accordance with policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and the requirements of state and federal law. An individual with a disability may be accompanied by his or her service animal on school property subject to the requirements of this policy. If necessary, the superintendent may establish any necessary administrative regulations for the use of service animals on school property.

**A. DEFINITION OF “SERVICE ANIMAL”**

A “service animal” for purposes of this policy is any dog that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the individual’s disability or necessary to mitigate a disability. Federal regulation 28 C.F.R. 35.104 provides examples of types of work or tasks that would qualify. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained, except that a miniature horse will be permitted for use as a service animal if reasonable modifications can be made after assessing the specific factors listed in 28 C.F.R. 35.136(i). Animals whose sole function is to provide emotional support, well-being, comfort, companionship or therapeutic benefits or to act as a crime deterrent are not service animals for the purposes of this policy.

**B. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY STUDENTS AND EMPLOYEES**

**1. Introduction of a Service Animal**

School administrators shall facilitate the introduction of an eligible service animal into the school environment. To promote a successful integration of the service animal into the educational program and to minimize unnecessary disruption, an employee or student with a disability who intends to bring a service animal to school during the school day is encouraged to follow these guidelines.

- a. The employee, student or student’s parent should notify the superintendent and the principal of the applicable school in writing at least 10 work days prior to the date proposed to bring the service animal onto school property.
- b. The employee, student or student’s parent should work with school personnel to create a plan addressing the presence of the service animal during the school day. A plan to integrate a service animal into the school environment should include the following:



- 1) appropriate training for school personnel and students regarding interaction with the service animal;
  - 2) arrangements for meeting the service animal's basic needs during the school day.
  - 3) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and
  - 4) when necessary, provisions for the presence of a handler other than the employee or student with the disability to control or care for the service animal.
- c. It is recommended, but not required, that the service animal should wear identification to provide adequate notice to students, school personnel and school visitors that the dog is a service animal.
- d. The service animal should be free of parasites and otherwise in good health.
2. Presence of a Service Animal on School Property

An employee or student with a disability accompanied by a service animal must meet the following requirements for a service animal to be present on school property.

- a. A student or employee who elects to be accompanied by a service animal will be expected to care for and supervise the animal. If a student is not capable of providing adequate care and supervision, the parent will be responsible for providing such care and supervision.
- b. If a student requires assistance from a parent or handler to control and care for the service animal while on school property, that individual must submit to a background screening, which may include a criminal history check in accordance with state law and any procedures established by the superintendent.
- c. The service animal must be on a leash or other mechanical restraint at all times. If mechanical restraint is not feasible due to a student's disability, the animal must be under other sufficient means of control.
- d. The service animal must be housebroken, under the control of its handler, and have received all necessary vaccinations as required by state law. The principal or designee shall notify all security

personnel of the existence and possible locations of any service animals on school property.

**C. USE OF A SERVICE ANIMAL ON SCHOOL PROPERTY BY SCHOOL VISITORS**

A school visitor who is an individual with a disability may be accompanied by a service animal in accordance with all applicable state and federal laws and regulations and with policy 5020, Visitors to the Schools. A service animal that is accompanying a school visitor may be properly excluded from school property for a reason(s) set forth in section E of this policy.

**D. LIABILITY**

The board may hold the owner or handler of a service animal liable for any property damage caused by the animal to the same extent required by other board policy or administrative rules that impose liability for property damage. In addition, either the owner or handler, or both may be liable for personal injury caused by the animal or related to the presence of the animal on school property.

**E. EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

School personnel shall not ask an individual with a disability about the nature or extent of his or her disability or for proof of a service animal's training as a condition of allowing the animal onto school property. However, when not readily apparent to school personnel, a principal or designee may inquire as to whether the animal is required because of a disability and what work or task the animal has been trained to perform. Such inquiries may be made to confirm that the dog is a service animal and is rightfully present on school property.

A principal or designee may exclude a service animal from school property for the following reasons:

1. The animal poses a direct threat to the health or safety of others that cannot be eliminated by reasonable modifications.
2. The animal is out of control and the animal's handler does not take effective action to control it.
3. The animal is not housebroken.
4. The presence or behavior of the animal fundamentally alters the service, program or activity of the school system.

If a principal or designee excludes a dog or service animal from school property, the principal or designee must document the reasons for the exclusion and notify the superintendent. The superintendent or designee will make a determination on whether a service animal will be allowed to return to the school and, if

reasonably possible, notify the individual with the disability in writing of the decision within five work days of the initial exclusion.

If the superintendent determines that an animal does not meet the definition of a service animal or that a service animal should be excluded for one or more of the reasons described in this section, the student's Section 504 or IEP Team shall meet to consider and document whether the animal's presence is necessary for the child to receive an appropriate education or to have equal access to the educational program and, if not, whether the child needs other aids and services or accommodations.

If a service animal is excluded, an individual with a disability will be provided the opportunity to participate in educational services, programs or activities as required by law without having the service animal on the premises.

**F. APPEAL OF AN EXCLUSION OF A SERVICE ANIMAL FROM SCHOOL PROPERTY**

The superintendent's decision regarding exclusion of a service animal from school property in accordance with this policy may be appealed consistent with policies 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and any other procedure established by the superintendent under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 130A-185, 168 art. 1, 168A-3 through -7

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Visitors to the Schools (policy 5020)

Adopted: February 6, 2012

Updated:

The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

**A. PUBLIC RECORD DEFINED**

Any record, in any form, that is made or received by the board in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7251, Electronically Stored Information Retention, for specific information regarding public records in electronic form).

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records). Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record:

1. name;
2. age;
3. the date of original employment or appointment;
4. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;
5. current position;
6. title;

7. current salary (includes pay, benefits, incentives, bonuses, deferred compensation and all other forms of compensation paid to the employee);
8. the date and amount of each increase or decrease in salary with the board;
9. the date and type of each promotion, demotion, transfer, suspension, separation or other change in position classification with the board;
10. the date and general description of the reasons for each promotion with the board;
11. the date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the board, if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board

setting forth the specific acts or omissions that are the basis of the dismissal; and

12. the office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

#### **B. DESIGNATION OF RECORDS OFFICER**

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met;

##### **1. Duties of the Records Officer**

The duties of the records officer include the following:

- a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;
- b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

- c. providing training, consultation and guidelines to school officials who respond to or are otherwise involved in public records requests;
- d. determining the actual cost of providing copies of public records in the various forms, such as paper or electronic media, in which school system is capable of providing the records;
- e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and
- f. reviewing appeals of any denial of a request for public records.

## **2. Other Duties**

Other duties to be performed by the records officer, a designated electronic records officer or other employees as determined by the superintendent include the following:

- a. reviewing all electronic data processing systems being considered for lease or purchase to ensure that they will not impede the school system's ability to permit public inspection and examination of records;
- b. ensuring that databases are indexed as required by law; and
- c. conducting an inventory of electronic databases maintained by the school system on a regular basis.

## **C. INDEXING OF COMPUTER DATABASES**

All computer databases compiled or created after June 30, 1998 will be indexed as required by law. The form and content of the indexes will conform to the guidelines issued by the North Carolina Division of Archives and History.

Any computer database that is being considered for purchase or lease by the school system that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the school system.

In addition, the school system will voluntarily index databases created or compiled prior to July 1, 1998, so long as the process is not unreasonably burdensome or costly. Any voluntary indexing does not have to meet statutory requirements or the guidelines issued by the North Carolina Division of Archives and History.

**D. REQUESTS FOR PUBLIC RECORDS**

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. Any denial of a public records request shall be made in writing and shall include the basis for the denial. Information will be made available to the requester concerning the cost of producing records and how to appeal a denial of a public records request. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

**E. FEES FOR COPIES OF PUBLIC RECORDS**

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1, (d) and B.1 (e) above). The school system shall not charge any fees for separating confidential information that is commingled with public records.

**F. DESTRUCTION OF PUBLIC RECORDS**

School personnel shall comply with the *Records Retention and Disposition Schedule for Local Education Agencies* adopted by the N.C. Department of Cultural Resources, Division of Archives and History. The superintendent may establish regulations for the destruction of records in accordance with the approved schedule.

**G. COMMUNICATION**

This policy, administrative guidelines, information on the actual cost for producing public records, information on how to reach the records officer and any computer database indexes shall be made available to employees and individuals requesting public records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-105.27(a2); -105.53, -105.54, 109.3, -174.13, -319 to -321, -402; 14-113.8(6); 132-1 to -9; *Public Database Indexing Guidelines and Recommendations*, N.C. Department of Cultural Resources, Division of Archives and History (1996); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Division of Cultural Resources, Division of Archives and History (1999), available at <http://www.ncdcr.gov/Portals/26/PDF/schedules/schoolschedulefinal.pdf> ; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996, available at <http://www.ncdoj.gov/About-DOJ/Legal-Services/Legal-Opinions/Opinions/Public-Records;-Computer-Database-Index.aspx> .

Cross References: North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Personnel Files (policy 7820)

Adopted: April 10, 2000

Updated: June 1, 2009

Updated: December 8, 2010

Updated: December 9, 2013

Updated:



## **RELATIONSHIP WITH LAW ENFORCEMENT**

*Policy Code: 5120*

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The board recognizes the importance of law enforcement authorities in providing safe schools. The board desires an effective working relationship with law enforcement. To this end, the superintendent and principals are expected to communicate the needs of the schools and work with law enforcement officials in developing joint programs and in establishing protocols for handling situations in which the assistance of law enforcement is helpful or necessary. The superintendent shall establish procedures for school contacts with law enforcement agencies.

The superintendent shall ensure that local law enforcement have schematic diagrams, including digital schematic diagrams, of all school facilities and provide them updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. The superintendent shall also provide local law enforcement with emergency access to key storage devices for all school buildings and with updated access to school building keys storage devices when changes are made to the devices.

School resource officers will be assigned duties as specified in a written understanding between the law enforcement agency and the school system.

Law enforcement officials, including school resource officers, should not initiate administrative investigations, including investigations to determine whether student behavior policies have been violated, but may be used to assist school officials in such investigations for safety or other reasons as determined necessary by the principal or designee. Law enforcement officials may be contacted to report possible criminal conduct on school premises or at school sponsored activities. (See policy 4335, Criminal Behavior, for more information regarding mandatory reporting of certain criminal behaviors.) However, school officials will independently investigate violations of school rules or board policies even if such violations may also involve criminal behavior.

School administrators and employees are expected to cooperate in criminal investigations but should attempt to do so in a way that minimizes disruptions to the educational environment.

Visits by probation officers to students during the school day must be in accordance with policy 5020, Visitors to the Schools.

Legal References: G.S. 115C-36, -47; -105.53

Cross References: School Safety (policy 1510/4200/7270), Criminal Behavior (policy 4334), Student Searches (policy 4342), Visitors to the Schools (policy 5020)

Adopted: April 10, 2000  
Updated: June 1, 2009  
Updated: January 14, 2013  
Updated: December 9, 2013  
Updated:

The board recognizes that it is important for students to maintain their physical health and receive proper nutrition in order to take advantage of educational opportunities. The board further recognizes that student wellness and proper nutrition are related to a student's physical well-being, growth, development and readiness to learn. The board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education and regular physical activity as part of the total learning experience. As part of that commitment, the board directs the superintendent to oversee the development, implementation, and ongoing evaluation of this policy and other school system efforts to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children Policy, HRS-E-000, as further described in Section F, below. The superintendent may designate a school system official to carry out this responsibility ("lead wellness official").

The superintendent or designee shall provide a copy of this policy to the North Carolina Department of Public Instruction each time it is revised by the board.

**A. SCHOOL HEALTH ADVISORY COUNCIL**

The board will maintain a school health advisory council to help plan, update, implement, promote and monitor this policy as well as to address other health and nutrition issues within the school district. The council serves as an advisory committee regarding student health issues and works in conjunction with the lead wellness official charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The council is authorized to examine related research and laws, assess student needs and the current school environment, review existing board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The council also make policy recommendations to the board related to this policy and other policies concerning student wellness and in conjunction with the lead wellness official, shall periodically-suggest revisions to this policy.

In addition, the council may assist in the development of a plan for measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy as described in Sections F and G, below.

The council will be composed of representatives from the school district, the local health department and the community. The council must include members of each of the following groups: the school board, school system administrators, a physical education teacher, school nutrition representatives, physical education teachers, school health professionals, students, parents or guardians and the

public. The council will provide information to the board about the following areas or concern: safe environment, physical education, health education, staff wellness, health services, mental and emotional health, nutrition services, and community involvement.

The council shall provide periodic reports to the board and public regarding the status of its work. In addition, the council shall assist the lead wellness official in creating an annual report which includes the minutes of physical activity and the minutes of physical education and/or healthful living education received by students in the district each school year, and any other information required by the State Board of Education.

**B. NUTRITION PROMOTION AND EDUCATION**

The board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The general goals of nutrition education are (1) to provide appropriate instruction for the acquisition of behaviors which contribute to a healthy lifestyle for students and (2) to teach, encourage and support healthy eating by students.

The board will provide nutrition education within the Healthful Living Standard Course of Study and the grade level expectations outlined in the Healthful Living Essential Standards adopted by the State Board of Education. Nutrition education will provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

Nutrition education and promotion should extend beyond the school environment by engaging and involving families and communities. School district personnel may coordinate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition. School district personnel will work to disseminate and promote consistent nutrition messages throughout the school district, schools, classrooms, cafeterias, homes, community and media.

In conjunction with the school health advisory council, the board establishes the following additional specific evidence-based goals and strategies for nutrition promotion and education. The board will periodically measure and report progress toward meeting these goals.

**C. NUTRITION STANDARDS AND GUIDELINES FOR ALL FOOD AND BEVERAGES AVAILABLE AT SCHOOL**

Consistent with policy 6200, Goals of School Nutrition Services, all foods available in the system's schools during the school day that are offered to

students should help promote student health, reduce childhood obesity, provide a variety of nutritional meals and promote lifelong healthy eating habits. All foods and beverages sold at school must meet the nutrition standards established in policy 6230, School Meal and Competitive Foods Standards, including the following:

1. School Lunch, Breakfast and Snack Programs

Foods provided through the National School Lunch or School Breakfast, or After School Snack Programs must comply with federal and state nutrition standards. The director of child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

2. Other Foods Available on the School Campus During the School Day and After the School Day

School principals may establish rules for foods and beverages brought from home for classroom events or parties during the school day or for extracurricular activities after the school day. The board encourages principals to establish rules that are consistent with the Smart Snack standards.

Fundraising activities that involve the sale of foods and/or beverages to students during the school day (from midnight until 30 minutes after the dismissal bell rings) must comply with the Smart Snack Rules and may not be conducted until after the end of the last lunch period. See policy 6230, School Meal and Competitive Foods Standards.

School principals may establish standards for fund-raising activities conducted after the school day (beginning 31 minutes after the dismissal bell rings) that involve the sale of food and/or beverages. The board encourages alternative fundraising activities such as non-food items or physical activity.

**D. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY**

1. Goals of the Physical Education Program

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as overweight, obesity, cardiovascular disease and Type II diabetes, students

enrolled in kindergarten through eighth grades will participate in physical activity as part of the district's physical education curriculum. The goal for elementary schools is to provide 150 minutes weekly of quality physical education with a certified physical education teacher. The goal for middle schools is to provide 225 minutes weekly of Healthful Living Education, divided equally between health and physical education with certified health and physical education teachers.

2. The Physical Education Course

The physical education course will foster support and guidance for being physically active, will help students know and understand the value of being physically fit, and will teach students the types of activities that contribute to total fitness. The course will be taught in an environment where students can learn, practice and receive assessment on age—developmentally appropriate skills as defined in the North Carolina Healthful Living Standards Course of Study. Students should be engaged in moderate to vigorous physical activity for fifty percent or more of class time. Class for physical education should be equivalent in size to those of other academic classes.

3. Physical Activity Requirements and Goals

School personnel should strive to provide opportunities for age- and developmentally-appropriate physical activity during the day for all students, so that students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular daily physical education class as described in Sections D.1 and D.2 above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with their teachers to ensure that students meet the minimum physical activity requirement. The board will periodically measure and report progress toward meeting these goals.

To ensure that students have ongoing opportunities for physical activity and maintain a positive attitude towards physical activity, structured/unstructured recess and other physical activity may not be taken away from students as a form of punishment. In addition, severe and inappropriate exercise may not be used as a form of punishment for students.

In conjunction with the school health advisory council, the board establishes the following additional specific evidence-based goals and strategies for physical activity.

**E. OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS**

In addition to the aforementioned standards, the board adopts the following goals for school-based activities designed to promote wellness:

1. Schools will provide a clean and safe meal environment.
2. Students will be provided adequate time to eat meals.
3. Drinking water will be available at all meal periods and throughout the school day.
4. Professional development will be provided for school system nutrition staff.
5. To the extent possible, the school system will utilize available funding and outside programs to enhance student wellness.
6. Food will not be used in the schools as a reward or punishment.
7. As appropriate, the goals of this ~~student~~ wellness policy will be considered in planning all school based activities.
8. Administrators, teachers, school nutrition personnel, students, parents or guardians and community members will be encouraged to serve as positive role models to promote student wellness.

**F. IMPLEMENTATION AND REVIEW OF POLICY**

**1. Oversight and Monitoring of Implementation and Progress**

The lead wellness official, in conjunction with the school health advisory council, shall oversee implementation of this policy and monitor system schools, programs and curricula to ensure compliance with and to assess progress under this policy, related policies and established guidelines or administrative regulations. Each principal shall be responsible for and shall report to the lead wellness official regarding compliance and measurements of progress in his/ or her school. Staff members responsible for programs related to student wellness also shall report to the lead wellness official regarding the status of such programs.

## 2. Review of Policy

The lead wellness official shall work with members of the school health advisory council to periodically review and update this policy based on an assessment of the school system's compliance with the policy, progress toward meeting the policy goals, and other relevant factors.

## 3. Annual Reporting

- a. The lead wellness official shall prepare annual written reports to the superintendent and State Board of Education that describe the school system's progress towards achieving the goals established in this policy and that provide all other information required by the superintendent and/or the State Board of Education pertaining to the school system's efforts to comply with this policy and SBE policy HRS-E-000. This information shall be provided to the public as provided in Section G, below.
- b. The superintendent or designee shall annually report to the board and public on the system's compliance with laws and policies related to student wellness, ~~and~~ the implementation of this policy, and progress toward meeting the goals of the policy. At a minimum, the superintendent or designee shall measure and report the following:
  - 1) the extent to which the individual schools are in compliance with this policy;
  - 2) the extent to which the board's wellness policy compares to model local school wellness policies and meets state and federal requirements; and
  - 3) a description of each school's ~~the~~ progress ~~made~~ in attaining the goals of this policy and a summary of the school's activities undertaken in support of the policy goals.

The report may include the following items:

- 1) an assessment of the school environment regarding student wellness issues;
- 2) an evaluation of the school nutrition ~~food~~-services programs;
- 3) a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;



- 4) information provided in the report from the school health advisory council described in section A, above; and
- 5) suggestions for improvement to policies or programs.

#### H.G. PUBLIC NOTIFICATION

The lead wellness official shall assist the school health advisory council to annually inform and update the public about this policy and State Board policy HRS-E-000. The information provided must include the content of the policies and the school system's efforts and progress in implementing , evaluating, and complying with the policies. All information required to be reported annually or that is otherwise reported to the board in accordance with Section G, above shall be widely disseminated to students, parents, and the community in an accessible and easily understood manner, including by posting a copy of this policy and the annual report on the school system website.

#### H. RECORDKEEPING

The superintendent shall maintain records to document compliance with this policy and all federal and state requirements. These records, at a minimum, must include:

1. a written copy of this policy and any updates;
2. documentation demonstrating compliance with all reportable elements of this policy and with community involvement requirements, including requirements to make this policy and other progress reports available to the public; and
3. documentation of annual wellness policy reports for each school in the system.

Legal References: The Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751 note Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. §1751, *et seq.*; 7 C.F.R. 210.11 and 210.12a; G.S. 115C-264.2, -264.3; State Board of Education Policies ; HRS-E-000, TCS-S-000, TCS-S-002; *.Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*, NC Department of Health and Human Services, N.C. Division of Public Health, (2004),

Cross References: Goals of School Nutrition Services (policy 6100), Goals of Student Food Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230)

Adopted: March 13, 2006

Updated: February 2, 2010

Updated: April 3, 2012

Updated: June 3, 2013

Updated:

## **GOALS OF SCHOOL NUTRITION SERVICES**

*Policy Code: 6200*

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The board recognizes the importance of students maintaining proper nutrition so that they are ready and able to take advantage of educational opportunities.

The goals of the school nutrition services program are as follows:

1. operating the school nutrition program efficiently so that earnings may be used to reduce the cost of food, serve better food or provide free or reduced price meals to eligible students;
2. enhancing students' ability to learn by offering a variety of safe, nutritious, and appealing food and beverage options for student meals at school;
3. minimizing obesity and encouraging life-long healthy eating habits consistent with the health education curriculum;
4. providing courteous service to students, employees and authorized visitors.

Legal References: 7 C.F.R. Part 210; G.S. 115C-47(22), -263, -264; State Board of Education policy HRS-E-000

Cross References:

Adopted: April 10, 2000

Updated: July 1, 2009

Updated:

## **OPERATION OF SCHOOL NUTRITION SERVICES**

*Policy Code: 6220*

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All schools will participate in federal National Child Nutrition Programs, and will receive commodities donated by the United States Department of Agriculture. All federal and state revenues will be accepted and applied so as to maximize the use of such funds for the purposes of providing nutritional meals to students at the lowest possible price.

### **A. OPERATIONAL STANDARDS**

The school nutrition program will be operated in a manner consistent with board goals and board policy. The program also will be operated in compliance with all applicable state and federal law, including requirements of the National School Lunch Program and all federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture. Specific legal requirements which must be met include, but are not limited to, the following:

1. No child will be discriminated against because of race, sex, color, national origin or disability, age, or eligibility status for free and reduced price meals.
2. The school nutrition program will meet safety and sanitation will meet standards requirements established in local, state and federal rules and guidelines for school food service programs.
3. The school nutrition services program will have a written food safety program that includes a hazard analysis critical control point plan for each school.
4. Menu preparation, purchasing, and related record keeping will be consistent with applicable state and federal rules and guidelines.
5. Banking, financial record keeping, budgeting and accounting will be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.
6. Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations.
7. Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1.

8. School Nutrition Program (SNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has a minimum of one month's operating balance.
9. The price for meals will be determined in accordance with federal laws.
10. Non-program foods will be priced to generate sufficient revenues to cover the cost of those items. A non-program food is defined as a food or beverage, other than a reimbursable meal or snack that is sold at the school and is purchased using funds from the child nutrition account.
11. All school nutrition programs will be operated on a nonprofit basis for the benefit of the SNP. School nutrition programs are those which are operated from 12:01 a.m. until the end of the last lunch period.
12. All income from the sale of food and beverages that is required by law or regulation to be retained by the SNP will be deposited to the G SNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the G SNP account will be deposited into the proper school account in accordance with guidelines developed by the superintendent or designee.
13. All competitive foods sold on school campuses will meet federal and state standards for nutrient content. Competitive foods may not be sold until 30 minutes after the last bell rings.

**B. MEAL CHARGES**

Students who are required to pay for meals are expected to provide payment in a timely manner. The board recognizes, however, that students occasionally may forget or lose their meal money. The board therefore directs the superintendent to develop a procedure to manage situations in which students are unable to pay for a meal on a particular day. The superintendent shall ensure that federal child nutrition funds are not used to offset the cost of unpaid meals and that the SNP is reimbursed for uncollected student meal charges prior to the end of the year.

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The superintendent or designee will establish other procedures as appropriate to help ensure compliance with board policy and legal requirements.

Legal References: Child Nutrition act of 1966, 42 U.S.C. 1771 *et seq.*; National School Lunch Act, 42 U.S.C. § 1751, *et seq.*; 7 C.F.R. pt. 210; 2. C.F.R. pt. 225, App. B; G.S.; 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; 16 N.C.A.C. 6H .0104; State Board of Education Policy TCS-S-000

Cross References: Goals of Student Food Services (policy 6200), Nutritional Standards for Food Selection (policy 6230), Beverage Vending Sales (policy 6235), Goals of the Purchasing Function (policy 6400)

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: January 14, 2013

Updated: December 9, 2013

Updated:

The school system will provide free meals and reduced price meals to eligible students in the schools.

The principal shall make applications for free or reduced price meals readily available to parents or guardians and shall accept completed applications at any time during the school year.

In accordance with the guidelines for participation in these programs, and in accordance with the wishes of the board, no student who meets the criteria for eligibility for free and reduced meal benefits will be denied a free lunch, milk or other food, simply because the proper application has not been received from his or her parents or guardian. The principal may complete an application, based on the best household size and income information available, for a student known to be needy if the parent or guardian fails to apply. The source of information must be noted on the application. The principal shall ensure that school rules and procedures are implemented in ways that do not impede eligible students from participating fully in these programs.

The information provided on each application is confidential. Employees with access to this confidential information must make reasonable efforts to maintain the anonymity of students participating in the free or reduced price meal program.

Each year, the superintendent or designee shall ensure that the school system has met all federal requirements to verify the eligibility of applicants. When school personnel become aware of information that raises concerns about the integrity of an application, the superintendent or designee must verify the questionable information by following the verification for cause procedures set forth in federal regulations.

The superintendent is authorized to apply for community eligibility as an alternative to collecting individual household applications for free and reduced price meals for any school or group of schools that meet the eligibility requirements for community eligibility established by federal law. In schools approved for participation pursuant to the community eligibility requirements, the board will serve free lunches and breakfasts to all students in the school without regard to income and will cover with non-federal funds any costs of providing the free meals above the amounts provided by federal assistance. Participating schools will not collect free and reduced price applications from households.

The superintendent shall establish procedures which conform to state and federal requirements regarding participation in programs for free and reduced priced meal benefits.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; 7 C.F.R. Parts 210, 215, 220, and 245; Family Educational Rights and Privacy Act 20 U.S.C. 1232g; Healthy, Hunger Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. §1751, *et seq.*; G.S. 115C-263, -264

Cross References: Goals of Student Food Services (policy 6200)

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: June 2, 2014

Updated:



All employees or other individuals who select or beverages to be sold to students on a school campus during the school day shall select and procure such foods and beverages in a manner consistent with the goals established by the board in policy 6200, Goals of School Nutrition Services, and policy 6140, Student Wellness, and with all state and federal laws and regulations. Additionally, in furtherance of the board's goals, the board establishes the following standards for school meals and other foods sold or available on school campuses.

**A. SCHOOL MEAL REQUIREMENTS**

Meals and snacks provided through the National School Lunch, School Breakfast, and After School Snack Programs must comply with all federal nutrition standards applicable to the respective program, including meal component requirements and dietary standards.

**B. FOODS OTHER THAN THE SCHOOL LUNCH PROGRAM**

**1. Definitions**

**a. School day**

As used in this policy "school day" means the period from midnight through 30 minutes after the dismissal bell rings.

**b. Competitive foods**

All foods and beverages, other than meals reimbursed through the federally-funded school nutrition programs, available for sale to students on campus during the school day.

**2. Foods Sold From Midnight Until the End of the Last Lunch Period**

The sale of food and beverages between 12:01 a.m. and the end of the last lunch-period is the responsibility of the Child Nutrition Program (CNP) and the (CNP) will retain the proceeds. The school principal and CNP personnel shall ensure that all competitive foods, including *a la carte* or supplemental food and beverages sold during that time period, including vended *a la carte* items, meet the federal Smart Snacks nutrition standards.

3. Foods Sold After the School Day

Foods sold after the school day are not subject to the federal Smart Snacks standards but are subject to any school rules established pursuant to policy 6140, Student Wellness.

4. Vending Sales During the School Day

In elementary schools, no beverage or snack vending to student is permitted outside of the School Nutrition Program.

In middle and high schools, all vended snack foods and beverages sold during the school day must meet the federal Smart Snacks standards and any more restrictive state requirements.

Bottled water must be available in every school that has beverage vending.

5. Fund-Raising Activities Involving Food or Beverages

All fund raising activities that involve the sale of food or beverages to students during the school day must comply with the federal Smart Snacks standards. However, no such fund-raising activities are permitted from midnight until the end of the last lunch period. Tokens of exchange for foods or beverages to be delivered later in the day also are prohibited during this time period.

Fund-raising activities that are conducted after the school day are not required to comply with the federal Smart Snacks nutrition standards, but are subject to policy 6140, Student Wellness, and any school rules established pursuant to that policy.

6. Foods Brought from Home for School Events

Each school principal may establish standards for food and beverages brought from home to be shared for classroom events or parties during the school day or for extracurricular activities after school. The board encourages principals to establish rules that are

consistent with the Smart Snacks nutrition standards.

Nothing in this policy is intended to regulate or limit foods that student bring from home as part of a bag lunch.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771, *et seq.*; Healthy, Hunger-Free Kids Act of 2010, P.L. 11-296, 7 C.F.R. Part 210; National School Lunch Act, 42 U.S.C. 1751, *et seq.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.3; State Board of Education Policy EEO-S-000; *Eat Smart: North Carolina's Recommended Standards for All Foods Available in School*, NC Department of Health and Human Services, NC Division of Public Health (2004), [http://www.eatsmartmovemorenc.com/programs\\_tools/school/docs/food\\_standards/SchoolFoodsStandards.pdf](http://www.eatsmartmovemorenc.com/programs_tools/school/docs/food_standards/SchoolFoodsStandards.pdf)

Cross References: Student Wellness (policy 6140), Goals of School Nutrition Services (policy 6200),

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: October 6, 2014

Updated

**A. — REQUIREMENTS FOR BEVERAGE VENDING SALES**

~~The board of education permits each school to sell beverages to students in vending machines during the regular and extended school day subject to the following requirements.~~

- ~~1. Soft drinks may not be sold (a) during the breakfast and lunch periods; (b) at elementary schools; or (c) contrary to the requirements of the National School Lunch Program~~
- ~~2. Sugared carbonated soft drinks, including mid-calorie carbonated soft drinks, may not be offered for sale in middle schools.~~
- ~~3. Not more than fifty percent (50%) of the offerings for sale to students in high schools may be sugared carbonated soft drinks.~~
- ~~4. Bottled water products must be available in every school that has beverage vending.~~

~~Diet carbonated soft drinks are not considered in the same category as sugared carbonated soft drinks.~~

~~The extended school day includes activities such as extracurricular club meetings, yearbook, band and chorus practice, student government, drama, and childcare/latchkey programs. The extended school day does not include school-related events at which parents and other adults constitute a significant portion of the audience or are selling beverages as part of booster club activities. Examples of such school-related events include interscholastic sporting events, school plays and band/orchestra concerts. Nothing in this policy is intended to prohibit or restrict the sale of beverages, including soft drinks: (a) after the end of the extended school day; (b) on weekends; or (c) during school vacations or holidays.~~

**B. — BIDDING REQUIREMENTS**

~~Federal procurement procedures must be followed for all beverage vending contracts that include in whole or in part products to be resold by the Child Nutrition Program (CNP). In addition, the superintendent or designee may employ either of the following bidding procedures:~~

- ~~1. Publish requests for separate bids for beverages to be sold through the CNP and bids or requests for proposals (RFPs) for beverages not to be sold through the CNP; or~~

2. ~~Combine requests for bids for both beverages to be sold through the CNP and beverages not to be sold through the CNP. Proceeds from any combined CNP/non-CNP beverage vending contract must be divided between the CNP and the individual school account, such that proceeds accruing on school days from 12:01 a.m. until the end of the established lunch period are deposited into the CNP account. Any proceeds from sales that are not due to the CNP must be appropriately accounted for and used by the individual school for school purposes only.~~

### **~~C. VENDING MACHINE REQUIREMENTS~~**

~~All vending machines must adhere to the following requirements set forth by the Montgomery County Schools Energy Policy.~~

1. ~~All vending machines must be de-lamped.~~
2. ~~The operating temperature of all vending machines must be set at 37° or higher.~~
3. ~~All machines not serviced during the summer must be disconnected.~~

~~All beverage vending contracts must be approved by the board of education unless, upon the recommendation of the superintendent, the board specifically delegates such authority to school personnel.~~

~~Legal References: National School Lunch Act, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.11; 7 C.F.R. 3016.36; G.S. 115C-263, -264, 264.2, -264.3; 16 NCAC 6H.0104; State Board of Education Policy TCS-S-000; *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*, N.C. Department of Health and Human Services, N.C. Division of Public Health (2004)~~

~~Cross References: Goals of Student Food Services (policy 6200), Operation of Student Food Services (policy 6220), Nutritional Standards for Food Selection (policy 6230)~~

~~Adopted: July 1, 2009~~

**Rescinded:**

## TRANSPORTATION SERVICE/VEHICLE CONTRACTS

Policy Code:

**6340**

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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 Boards. 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 inter-local 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 policy 6440 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, -253, -255; State Board of Education Policy TCS-H-005, available at State Board of Education Policies TCS-H-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

## **TRANSPORTATION SERVICE/VEHICLE CONTRACTS**

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*Policy Code:* **6340**

6450), Insurance (policy 8340)

Adopted: April 10, 2000

Updated: July 1, 2009

Updated: December 8, 2010

Updated: June 2, 2014

Updated:

## **RECRUITMENT AND SELECTION OF PERSONNEL**

Policy Code: **7100**

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### **A. GENERAL PRINCIPLES**

It is the policy of the board to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion and other benefits of employment without regard to race, color, religion, national origin, sex, age or handicap, except when sex, age or physical requirements are essential occupational qualifications. All candidates shall be evaluated on their merits and qualifications for positions.

The board also is committed to diversity throughout the programs and practices of the school district. To further this goal, the recruitment and employment program should be designed to encourage a diverse pool of qualified applicants.

### **B. RECRUITMENT**

Recruitment for a specific vacancy shall be undertaken only after the need and qualifications for the position are established and proper authorization is obtained.

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs. Vacancies also may be publicized externally to attract qualified applicants.

### **C. CRIMINAL HISTORY**

Applicants must notify the director of human resources immediately if they are arrested, charged with or convicted of a criminal offense (including entering a plea of guilty or *nolo contendere*) other than a minor traffic violation (i.e., speeding, parking or a lesser violation). Notice must be in writing, must include all pertinent facts and must be delivered to the executive director of human resources no later than the next scheduled business day following the arrest, charge or conviction, unless the applicant is hospitalized or incarcerated, in which case the applicant must report the alleged violation within 24 hours after his or her release. Upon judicial action in the matter, the applicant must report the disposition and pertinent facts in writing to the executive director of human resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system.



Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by the State Board policy.

A final candidate for employment for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. No individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

In addition, each contract executed by the board with an independent contractor or for the services of independent contractors must require the contractor to check sex offender registries as specified in policy 5022, Registered Sex Offenders.

#### **D. SELECTION**

##### **1. Qualifications**

Candidates for employment will be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information will be considered:

- a. application;

- b. education and training;
- c. licensure and certification (when applicable);
- d. relevant experience;
- e. personal interviews; and
- f. references and/or background checks.

## **2. Nepotism**

When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary and promotion, of another employee who is a member of the first employee's family. No administrative or supervisory personnel may directly supervise a member of his or her immediate family, defined as spouse, children, sibling or parents.

## **3. Employment Procedures**

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S. C. 12102 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. -1703; Equal Pay Act of 1963, 29 U.S.C. -206; Fair Credit Reporting Act, 15 U.S.C.-1681, *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S. C. 2000ff *et seq.*; Military Selective Service Act, 550 U.S.C. approx. 453; Rehabilitation Act of 1973, 29 U.S.C.794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment

Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; Green v. Missouri Pacific Railroad (8<sup>th</sup> Cir. 1975); Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, U.S. Equal Employment Opportunity Commission (April 25, 2012) available at [http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm); G.S. 14-208.18; 115C-36, -47, -332; 126-7.1(f), -16; 127A-202.1; 127B-10, -12, -14; 16 N.C.A.C. 6C.0313; State Board of Education Policies TCP-C-017 and TCP-D-009

Cross Reference: Registered Sex Offenders (policy 5022)

Adopted: May 1, 2000

Updated: April 6, 2009

Updated: August 3, 2009

Updated: June 3, 2014

Updated:

## **OCCUPATIONAL EXPOSURE TO HAZARDOUS CHEMICALS IN SCIENCE LABORATORIES**

*Policy Code:* **7265**

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It is the policy of the board to comply with federal regulations and state statutes regarding hazardous chemicals as set forth in the Federal Register, 29 C.F.R. 1910.1450 and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0101, by attempting to limit occupational exposure of employees to hazardous chemicals or other potentially hazardous materials that could cause injury or death.

### **A. UNIVERSAL PRECAUTIONS**

Universal precautions must be used at all times. Because few laboratory chemicals are without hazards, the school system shall establish general precautions for handling all laboratory chemicals. Additional precautions consistent with state and federal standards shall be established for the handling of known hazardous chemicals and unknown substances. The program standards for the control of hazardous chemicals as outlined in the Occupational Safety and Health Act (OSHA) rule, "Occupational Exposure to Hazardous Chemicals in Laboratories" (Standard 1910.1450), and the North Carolina Administrative Code and/or the most current standards available must be followed.

### **B. SCHOOL SYSTEM REQUIREMENTS**

The superintendent shall ensure that:

1. a Chemical Hygiene Plan is developed in accordance with OSHA-issued regulations or the most current available federal and/or state standards issued and that all elements of the Chemical Hygiene Plan are met, including, but not limited to, standard operating procedures for handling hazardous chemicals, such as the use of personal protective equipment and hygiene practices; control measures to reduce employee exposure to hazardous chemicals; standards for laboratory protective equipment; identification of laboratory procedures and activities requiring prior approval; proper employee training; and the assignment of a Chemical Hygiene Officer;
2. bulk elemental mercury, chemical mercury compounds and bulk mercury compounds are not used as teaching aids in science classrooms;
3. labels on incoming containers of hazardous chemicals are not removed or defaced, all safety data sheets received with incoming shipments are maintained and readily accessible to employees, and a current inventory of chemicals is in use and maintained;
4. all employees are trained and apprised of the hazards of chemicals

present in their work area and understand how to report unsafe conditions and how to perform proper cleanup;

5. all employees have access to a copy of the Hazardous Chemicals Policy and Chemical Hygiene Plan;
6. science laboratories comply with the OSHA Right-to-Know legislation, bloodborne pathogens regulations (see policy 7260, Occupational Exposure to Bloodborne Pathogens), laboratory standards as provided by the Chemical Hygiene Plan, and other safety rules and guidelines of the profession;
7. records are established and maintained of any measurements taken to monitor employee exposures and any medical consultations or examinations required;
8. the Chemical Hygiene Plan is reviewed annually by a committee appointed by the superintendent and updated as necessary;
9. this policy is reviewed annually and, as needed, updated annually; and
10. a copy of the Chemical Hygiene Plan is submitted to the State Board of Education by January 31 of each school year.

#### **C. TESTING**

Whenever an event, such as a spill, leak, explosion or other occurrence resulting in the likelihood of a hazardous exposure, takes place in the work area, the employee exposed to the hazard may receive a medical examination at the school system's expense.

Legal References: 29 C.F.R. 1910.1450; G.S. 115C-47(4 ~~97~~); 13 N.C.A.C. 7F .0101; State Board of Education Policy GCS-F-017

Cross References: Occupational Exposure to Bloodborne Pathogens (policy 7260)

Other Resources: *Safe, Orderly and Caring Schools Assessment Inventory*, Safety Provisions – Science Education (North Carolina Department of Public Instruction, Division of School Improvement)

Adopted: August 3, 2009

Updated: December 15, 2009

Updated:

## **SUPERINTENDENT CONTRACT**

*Policy Code: 7420*

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The board recognizes the importance of establishing a clear contractual relationship with the superintendent. The board, upon selection of a candidate or upon reappointment of the incumbent superintendent, will enter into an explicit contractual agreement with the superintendent that meets, at a minimum, the requirements of state law. The contract will be voted upon by the board in open session at a duly called meeting after the members of the board have had an opportunity to review the final written document. If the contract is approved, the open session minutes of the board will reflect that the board voted to approve the contract and will include the executed written document as attachment.

Any subsequent revisions to or extensions of the superintendent's contract, including any additional compensation, will likewise be voted upon by the board in open session at a duly called meeting of the board after the board members have had an opportunity to review the written amended document. If amendments to the contract are approved, the open session minutes of the board will reflect that the board voted to approve the amendments and will include the executed written document as an attachment.

The terms of the contract between the board and the superintendent will include general responsibilities, professional activities, evaluations, salary, vacation and leave arrangements, and other benefits. The contract also may specify performance expectations, including expectations related to board goals and objectives and State Board standards for student success. The superintendent's contract as well as any amendments, will be signed by the board chair and vice chair on behalf of the board and must be pre-audited by the finance officer.

In the event that the superintendent's contract is terminated, the board will take appropriate and necessary action to help ensure the continuous smooth operation of the school district.

Legal References: G.S. 115C-47(16), -271 to -275

Cross References:

Adopted: May 1, 2000

Updated: December 15, 2009

Updated: