

Whiteville City Schools

Board of Education

Policy Manual

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The following tables include a listing of all current Board Policies. As you look for a specific policy, please be reminded that should a policy be subject to different series it will only be located under the first number. For example: policies 1310 & 4002 (**1310/4002**) are the same policy but will only be found in the 1000 series under the first number, in this case 1310.

1000 SERIES POLICIES

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<i>LEGAL STATUS OF THE BOARD</i>		
1000	Legal Status of the Board and School System	9 Nov 2009
1010	Board Authority and Duties	10 Dec 2012
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1300	Governing Principle Parental Involvement	15 Jan 2014
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1710/4021/7230	Prohibition Against Discrimination, Harassment & Bullying	9 Feb 2015
1720/4015/7225	Discrimination, Harassment and Bullying Complaint Procedures	10 Dec 2012
1730/4022/7231	Nondiscrimination on the Basis of Disabilities	10 Dec 2012
1740/4010	Student and Parent Grievance Procedure	11 Jul 2011
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2000 SERIES POLICIES

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2010	Board and Superintendent Relations	11 Jan 2010
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2100	Board Member Legal Status	11 Jan 2010
2110	Board Member Elections	11 Jan 2010
2115	Unexpired Term Fulfillment	11 Jan 2010
2116	Removal from Office	11 Jan 2010
2120	Code of Ethics for School Board Members	11 Jan 2010
2121	Board Member Conflict of Interest	11 Jan 2010
2122	Role of Board Members in Handling Complaints	11 Jan 2010
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2335	Advance Delivery of Meeting Materials	11 Jan 2010
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<i>BOARD POLICIES</i>		
2400	Board Policies	11 Jan 2010
2410	Policy Development	11 Jan 2010
2420	Adoption of Policies	11 Jan 2010
2430	Dissemination and Preservation of Policies	11 Jan 2010
2440	Policy Review and Evaluation	11 Jan 2010
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2460	Administration in Policy Absence	11 Jan 2010
2470	Administrative Procedures	11 Jan 2010
2475	School Rules	11 Jan 2010
<i>BOARD HEARINGS</i>		
2500	Hearings Before the Board	11 Jul 2011
<i>BOARD CONSULTANTS & LIAISONS</i>		
2600	Consultants to the Board	11 Jan 2010
2610	Board Attorney	11 Jan 2010

3000 SERIES POLICIES

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3000	Goals and Objectives of the Educational Program	10 Dec 2012
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3100	Curriculum Development	13 Jan 2014
3101	Concurrent Enrollment and Other Curriculum Expansions	11 May 2010
3102	Online Instruction	13 Jan 2014
3110	Innovation in Curriculum and Instruction	13 Jan 2014
3115	Curriculum and Instruction Guides	11 May 2010
3120	Lesson Planning	11 May 2010
3130	Grouping for Instruction	11 May 2010
3135	Homework	11 May 2010
3140	Evaluation of Instructional Programs	11 May 2010
<i>INSTRUCTIONAL MATERIALS</i>		
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3227/7322	Web Page Development	11 May 2010
3230/7330	Copyright Compliance	11 May 2010
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3310	School Assemblies	11 May 2010
3320	School Trips	8 Dec 2014
3320-R	School Trips -- Regulations	11 May 2010
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3400-R	Evaluation of Student Progress -- Regulations	11 May 2010

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3410	Testing and Assessment Program	13 Jan 2014
3420	Student Promotion and Accountability	12 Jan 2015
3430	School Improvement Plan	13 Jan 2014
3431	Conflict Resolution	11 May 2010
3440	Recognizing Excellence	11 May 2010
3450	Class Rankings	11 May 2010
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3520	Special Education Programs/Rights of Students with Disabilities	11 Jul 2011
3530	Citizenship and Character Education	11 May 2010
3540	Comprehensive Health Education Program	13 Jan 2014
1320/3560	Title I Parent Involvement	12 Jan 2015
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3620	Extracurricular Activities and Student Organizations	11 May 2010
3640/5130	Student Voter Registration	13 Jan 2014

4000 SERIES POLICIES

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<i>STUDENT FOCUS</i>		
4000	Focus on Students	14 Jun 2010
4001	Equal Educational Opportunities	14 Jun 2010
1310/4002	Parental Involvement	12 Jan 2015
4003	Translating Policies for Students and Parents	14 Jun 2010
1740/4010	Student and Parent Grievance Procedure	11 Jul 2011
1710/4021/7230	Prohibition Against Discrimination, Harassment & Bullying	9 Feb 2015
1730/4022/7231	Nondiscrimination on the Basis of Disabilities	10 Dec 2012
4023	Education for Pregnant and Parenting Students	14 Jun 2010
4040/7310	Staff-Student Relations	14 Jun 2010
4050	Children of Military Families	8 Dec 2014
<i>ADMISSIONS & ASSIGNMENT</i>		
4100	Age Requirements for Initial Entry	14 Jun 2010
4110	Immunization and Health Requirements for School Admission	10 Dec 2012
4115	Behavior Standards for Transfer Students	11 Jul 2011
4120	Domicile or Residence Requirements	13 Jan 2014
4125	Homeless Students	14 Jun 2010
4130	Discretionary Admission	14 Jun 2010
4134	Admission of Foreign Exchange Students	14 Jun 2010
4135	Tuition for Discretionary Admissions	14 Jun 2010
4150	School Assignment	10 Dec 2012
4152	Unsafe School Choice Transfer	14 Jun 2010
4155	Assignment to Classes	10 Dec 2012
<i>SAFETY</i>		
1510/4200/7270	School Safety	12 Jan 2015
1510/4200/7270-R	Responding to Bomb Threats -- Regulations	9 Nov 2009
4202/5029/7272	Service Animals in Schools	12 Mar 2012
4210	Release of Students from School	14 Jun 2010

Policy No.	Policy Title	Adoption Date
4220	Student Insurance Program	14 Jun 2010
4230	Communicable Diseases – Students	14 Jun 2010
4240/7312	Child Abuse – Reports and Investigations	14 Jun 2010
4250/5075/7316	North Carolina Address Confidentiality Program	14 Jun 2010
4260	Student Sex Offenders	11 Jul 2011
4270/6145	Concussion and Head Injury	13 Jan 2014
<i>STUDENT BEHAVIOR</i>		
4300	Student Behavior Policies	11 Jul 2011
4301	Authority of School Personnel	11 Jul 2011
4302	School Plan for Management of Student Behavior	11 Jul 2011
4302-R	Rules for Use of Seclusion and Restraint in Schools	14 Jun 2010
3470/4305	Alternative Learning Programs/Schools	11 Jul 2011
4307	Disciplinary Action for Exceptional Children/Students with Disabilities	11 Jul 2011
4310	Integrity and Civility	11 Jul 2011
3225/4312/7320	Technology Acceptable Use	9 Feb 2015
4315	Disruptive Behavior	11 Jul 2011
4316	Student Dress Code	2 Apr 2012
4318	Use of Wireless Communication Devices	11 Jul 2011
4320	Tobacco Products – Students	11 Jul 2011
4325	Drugs and Alcohol	11 Jul 2011
4330	Theft, Trespass and Damage to Property	11 Jul 2011
4331	Assaults, Threats and Harassment	11 Jul 2011
4333	Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety	11 Jul 2011
4335	Criminal Behavior	12 Jul 2010
4340	School-Level Investigations	11 Jul 2011
4341	Parental Involvement in Student Behavior Issues	11 Jul 2011
4342	Student Searches	13 Jan 2014
4345	Student Discipline Records	11 Jul 2011
4351	Short-Term Suspension	11 Jul 2011

Policy No.	Policy Title	Adoption Date
4352	Removal of Student During the Day	11 Jul 2011
4353	Long-Term Suspension, 365 Day Suspension, Expulsion	11 Jul 2011
4360	Appeals of Consequences No Greater Than Short-Term Suspension	14 Jun 2010
4362	Requests for Readmission of Students Suspended for 365 Days or Expelled	11 Jul 2011
4370	Student Discipline Hearing Procedures	11 Jul 2011
ATTENDANCE		
4400	Attendance	11 Jul 2011
4400-R	Attendance Regulation	14 Oct 2013
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4600	Student Fees	10 Dec 2012
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4700	Student Records	13 Jan 2014
4705/7825	Confidentiality of Personal Identifying Information	12 Jul 2010
4705/7825-R	Confidentiality of Personal Identifying Information	12 Jul 2010
4720	Surveys of Students	12 Jul 2010

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5000	Schools and the Community	13 Jan 2014
5010	Parent Organizations	11 Oct 2010
5015	School Volunteers	11 Oct 2010
5020	Visitors to the Schools	11 Oct 2010
5022	Registered Sex Offenders	13 Jan 2014
5025	Prohibition of Alcoholic Beverages	11 Oct 2010
5026/7250	Smoking and Tobacco Products	12 Feb 2013
5027/7275	Weapons and Explosives Prohibited	13 Jan 2014

Policy No.	Policy Title	Adoption Date
5028/6130/7267	Automated External Defibrillator	13 Jan 2014
4202/5029/7272	Service Animals in Schools	12 Mar 2012
5024/6127/7266	Emergency Epinephrine Auto-Injector Devices	8 Dec 2014
5030	Community Use of Facilities	12 Feb 2013
5040	News Media Relations	11 Oct 2010
5050	Emergency Closings	11 Oct 2010
1742/5060	Responding to Complaints	9 Nov 2009
5070/7350	Public Records – Retention, Release and Disposition	8 Dec 2014
5071/7351	Electronically Stored Information Retention	11 Oct 2010
4250/5075/7316	North Carolina Address Confidentiality Program	14 Jun 2010
<i>RELATIONSHIP W/ GOVERNMENTAL AGENCIES</i>		
5100	Relationship with Other Governmental Agencies	11 Oct 2010
5110	Relationship with County Commissioners	11 Oct 2010
5120	Relationship with Law Enforcement	8 Dec 2014
3640/5130	Student Voter Registration	13 Jan 2014
<i>INVOLVEMENT W/ OUTSIDE ORGANIZATIONS & INDIVIDUALS</i>		
5210	Distribution and Display of Non-School Material	11 Oct 2010
5220	Collections and Solicitations	11 Oct 2010
5230	Participation in Research Projects	11 Oct 2010
5240	Advertising in the Schools	11 Oct 2010

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<i>SUPPORT SERVICES</i>		
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<i>STUDENT HEALTH SERVICES</i>		
6100	Goals of Student Health Services	18 Jan 2011
6110	Organization of Student Health Services	18 Jan 2011

Policy No.	Policy Title	Adoption Date
6120	Student Health Services	12 Feb 2013
6125	Administering Medicines to Students	18 Jan 2011
5024/6127/7266	Emergency Epinephrine Auto-Injector Devices	8 Dec 2014
5028/6130/7267	Automated External Defibrillator	13 Jan 2014
6140	Student Wellness	18 Jan 2011
4270/6145	Concussion and Head Injury	13 Jan 2014
<i>STUDENT FOOD SERVICES</i>		
6200	Goals of Student Food Services	18 Jan 2011
6210	Organization of Student Food Services	18 Jan 2011
6220	Operation of Student Food Services	13 Jan 2014
6225	Free and Reduced Price Food Services	18 Jan 2011
6230	Nutritional Standards for Food Selection	18 Jan 2011
6235	Beverage and Vending Sales	18 Jan 2011
<i>STUDENT TRANSPORTATION SERVICES</i>		
6300	Goals of Student Transportation Services	18 Jan 2011
6305	Safety and Student Transportation Services	12 Feb 2013
6306	School Bus Idling	18 Jan 2011
6306-R	School Bus Idling Procedures	18 Jan 2011
6310	Organization of Student Transportation Services	18 Jan 2011
6315	Drivers	12 Feb 2013
6320	Use of Student Transportation Services	12 Feb 2013
6321	Bus Routes	12 Feb 2013
6322	Student Assignment to Buses	18 Jan 2011
6323	Activity Buses	18 Jan 2011
6325	Vehicle Use and Parking Areas for Students	18 Jan 2011
6330	Insurance or Risk Management for Student Transportation	18 Jan 2011
6340	Transportation Service/Vehicle Contracts	12 Feb 2013
<i>PURCHASING FUNCTION</i>		
6400	Goals of the Purchasing Function	18 Jan 2011

Policy No.	Policy Title	Adoption Date
6401	Ethics and the Purchasing Function	18 Jan 2011
6402	Participation by Historically Underutilized Businesses	18 Jan 2011
6410	Organization of the Purchasing Function	18 Jan 2011
6420	Contracts with the Board	18 Jan 2011
6421	Pre-Audit Certification	18 Jan 2011
6425	Continuing Contracts	18 Jan 2011
6430	State Purchasing Requirements for Equipment, Materials and Supplies	13 Jan 2014
6440	Local Purchasing Requirements for Equipment, Materials & Supplies	18 Jan 2011
6441/9121	Bidders' List	18 Jan 2011
6442	Vendor Lists	18 Jan 2011
6450	Purchase of Services	18 Jan 2011
<i>EQUIPMENT, MATERIALS & SUPPLIES</i>		
6500	Goals of Equipment, Materials and Supplies Services	18 Jan 2011
6510	Organization of Equipment, Materials and Supplies Services	18 Jan 2011
6520	Use of Equipment, Materials and Supplies	18 Jan 2011
6521	Personal Use of Equipment, Materials and Supplies	18 Jan 2011
6522	Use of Equipment, Materials and Supplies by Non-School Groups	18 Jan 2011
6524	Network Security	18 Jan 2011
6525	Instructional Materials Services	18 Jan 2011
6530	Resource Conservation	18 Jan 2011
6540	Hazardous Materials	18 Jan 2011
6550	Vandalism	18 Jan 2011
6560	Disposal of Surplus Property	18 Jan 2011

7000 SERIES POLICIES

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<i>RECRUITMENT & SELECTION OF PERSONNEL</i>		
7100	Recruitment and Selection of Personnel	9 Feb 2015
7110	Information Provided by Applicant or Employee	14 Apr 2011
7120	Employee Health Certificate	14 Apr 2011
7130	Licensure	14 Apr 2011
7130-R	Licensure	14 Apr 2011
<i>WORK ENVIRONMENT</i>		
7210	Staff Involvement in Decision Making	14 Apr 2011
5024/6127/7266	Emergency Epinephrine Auto-Injector Devices	8 Dec 2014
1750/7220	Grievance Procedure for Employees	9 Nov 2009
1720/4015/7225	Discrimination, Harassment and Bullying Complaint Procedure	9 Feb 2015
1710/4021/7230	Prohibition Against Discrimination, Harassment & Bullying	13 Jan 2014
1730/4022/7231	Nondiscrimination on the Basis of Disabilities	10 Dec 2012
7240	Drug-Free and Alcohol-Free Workplace	13 Jan 2014
7241	Drug and Alcohol Testing of Commercial Motor Vehicle Operators	14 Apr 2011
5026/7250	Smoking and Tobacco Products	12 Feb 2013
7260	Occupational Exposure to Bloodborne Pathogens	14 Apr 2011
7262	Communicable Diseases – Employees	14 Apr 2011
7265	Occupational Exposure to Hazardous Chemicals in Science Laboratories	14 Apr 2011
5028/6130/7267	Automated External Defibrillator	13 Jan 2014
1510/4200/7270	School Safety	12 Jan 2015
1510/4200/7270-R	Responding to Bomb Threats	9 Nov 2009
4202/5029/7272	Service Animals in Schools	12 Mar 2012
5027/7275	Weapons and Explosives Prohibited	13 Jan 2014
1760/7280	Prohibition Against Retaliation	9 Nov 2009
<i>STAFF RESPONSIBILITIES</i>		
7300	Staff Responsibilities	14 Apr 2011
4040/7310	Staff-Student Relations	14 Jun 2010
4240/7312	Child Abuse – Reports and Investigations	14 Jun 2010

Policy No.	Policy Title	Adoption Date
2125/7315	Confidential Information	11 Jan 2010
4250/5075/7316	North Carolina Address Confidentiality Program	14 Jun 2010
3225/4312/7320	Technology Acceptable Use	9 Feb 2015
3227/7322	Web Page Development	11 May 2010
3230/7330	Copyright Compliance	11 May 2010
7335	Employee Use of Social Media	12 Mar 2012
7340	Employee Dress and Appearance	14 Apr 2011
5070/7350	Public Records – Retention, Release and Disposition	8 Dec 2014
5071/7351	Electronically Stored Information Retention	11 Oct 2010
<i>SPECIFIC EMPLOYMENT RELATIONSHIPS</i>		
7400	Job Descriptions	14 Apr 2011
7405	Extracurricular and Non-Instructional Duties	9 Feb 2015
7410	Career Status	14 Apr 2011
7420	Superintendent Recruitment and Contract	14 Apr 2011
7425	School Administrator Contracts	12 Feb 2013
7430	Substitute Teachers	14 Apr 2011
7440	Assignments/Reassignments/Transfers	14 Apr 2011
<i>WORKDAY & ABSENCES</i>		
7500	Workday and Overtime	12 Feb 2013
7500-R	Workday and Overtime	14 Apr 2011
7505	Compliance with State Board of Education Employment Policies	14 Apr 2011
7510	Leave	9 Feb 2015
7520	Family and Medical Leave	14 Apr 2011
7530	Military Leave	14 Apr 2011
7540	Voluntary Shared Leave	9 Feb 2015
7550	Absences Due to Inclement Weather	14 Apr 2011
7560	Permitted Salary Deductions for Absences and Discipline of Exempt Employees	14 Apr 2011
<i>BENEFITS</i>		
7600	Employee Health Insurance	14 Apr 2011

Policy No.	Policy Title	Adoption Date
7605	Payroll Vouchers and Schedule	14 Apr 2011
7610	Defense of Board Employees	14 Apr 2011
7620	Payroll Deductions	14 Apr 2011
7635	Return to Work	8 Dec 2014
7650	Travel and Expense Reimbursement	14 Apr 2011
<i>NON-JOB RELATED ACTIVITIES</i>		
7710	Membership in Professional Organizations	14 Apr 2011
7720	Employee Political Activities	14 Apr 2011
7730	Employee Conflict of Interest	14 Apr 2011
<i>DEVELOPMENT & EVALUATION</i>		
1610/7800	Professional Development and Assistance	9 Nov 2009
7810	Evaluation of Licensed Employees	13 Jan 2014
7811	Action Plans for Licensed Employees	14 Apr 2011
7815	Evaluation of Non-Licensed Employees	14 Apr 2011
7820	Personnel Files	9 Feb 2015s
7821	Petition for Removal of Personnel Records	14 Apr 2011
4705/7825	Confidentiality of Personal Identifying Information	12 Jul 2010
4705/7825-R	Confidentiality of Personal Identifying Information	12 Jul 2010
<i>SEPARATION</i>		
7900	Resignation	12 Feb 2013
7910	Retirement	14 Apr 2011
7920	Professional Personnel Reduction in Force	14 Apr 2011
7921	Classified Personnel Reduction	14 Apr 2011
7930	Professional Employees: Demotion & Dismissal	14 Apr 2011
7940	Classified Personnel: Suspension & Dismissal	14 Apr 2011
7950	Probationary Teachers: Nonrenewal	13 Jan 2014

8000 SERIES POLICIES

Policy No.	Policy Title	Adoption Date
<i>FISCAL GOALS</i>		
8000	Fiscal Goals	12 Feb 2013
<i>FISCAL GOALS</i>		
8100	Budget Planning and Adoption	13 Jun 2011
8110	Budget Resolution	13 Jun 2011
<i>REVENUE SOURCES</i>		
8210	Revenue Sources, Grants & Funding for Special Projects	13 Jun 2011
8220	Gifts and Bequests	13 Jun 2011
8230	Penalties, Fines and Forfeitures	13 Jun 2011
<i>FISCAL ACCOUNTABILITY</i>		
8300	Fiscal Management Standards	13 Jun 2011
8310	Annual Independent Audit	13 Jun 2011
8320	Depositories	13 Jun 2011
8325	Daily Deposits	13 Jun 2011
8330	Authorized Signatures	13 Jun 2011
8340	Insurance	12 Feb 2013
8341	Limited Claim Settlement	13 Jun 2011
8350	Fixed Assets Inventory	13 Jun 2011
<i>SEPARATE ACCOUNTS</i>		
8410	Individual School Accounts	13 Jun 2011
8415	Events Receipts and Admission	13 Jun 2011
<i>PERSONNEL DUTIES</i>		
8510	School Finance Officer	13 Jun 2011
8530	Fidelity Bonds	13 Jun 2011

9000 SERIES POLICIES

Policy No.	Policy Title	Adoption Date
<i>FACILITY PLANNING & CONSTRUCTION</i>		
9000	Planning to Address Facility Needs	13 Jan 2014
9010	Site Selection	13 Jun 2011
9020	Facility Design	12 Jan 2015
9030	Facility Construction	13 Jun 2011
<i>SELECTION & USE OF ARCHITECTS & CONTRACTORS</i>		
9110	Selection and Use of Architects and Engineers	13 Jan 2014
9120	Bidding for Construction Work	12 Jan 2015
6441/9121	Bidders' List	18 Jan 2011
9115	Prequalification of Bidders for Construction Projects	12 Jan 2015
9125	Participation by Minority Businesses	13 Jun 2011
9130	Supervision of Construction Contracts	13 Jun 2011
<i>CARE & MAINTENANCE</i>		
9200	Care and Maintenance of Facilities	13 Jun 2011
9205	Pest Management	13 Jun 2011
9210	Care and Maintenance of Grounds & Outdoor Equipment	13 Jun 2011
9220	Security of Facilities	12 Jan 2015
<i>NAMING FACILITIES</i>		
9300	Naming Facilities	13 Jun 2011
<i>SALE & DISPOSAL</i>		
9400	Sale and Disposal of Board-Owned Real Property	12 Feb 2013

**LEGAL STATUS
OF THE BOARD AND SCHOOL SYSTEM**

Policy Code: **1000**

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

- The official name of this system is: The Whiteville City Schools Administrative Unit.
- The schools of this system will be known as: The Whiteville City Schools.
- The governing body of the Whiteville City Schools Administrative Unit is: The Whiteville City Board of Education.

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

Cross References:

Adopted: November 9, 2009

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

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

1. providing leadership and direction through the formulation of goals and objectives, especially in defining and setting high academic standards for student success;
2. creating policies that establish standards, accountability and evaluation of essential operations of the school system;
3. taking steps necessary to help ensure legal compliance of board and school system functions;
4. performing judicial functions by conducting hearings as appropriate or as required by law regarding decisions of school system personnel or the board;
5. hiring a superintendent, supporting the superintendent in his or her administration, and evaluating and responding to recommendations made by the superintendent, including recommendations pertaining to the educational program and facility needs;
6. considering the budget recommended by the superintendent, presenting the budget to the county commissioners and adopting a budget after evaluating whether the county commissioners' appropriation is sufficient to support a system of free public schools; and
7. being an advocate for the school system, for employees and especially for students in all interactions with other governmental entities and the public.

Legal References: G.S. 115C-36, -40, -44, -47

Cross References:

Adopted: 10 December 2012

**GOVERNING PRINCIPLE –
PARENTAL INVOLVEMENT**

Policy Code: **1300**

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

Governing Principles (policy 1100)
Parental Involvement..... (policy 1310/4002)
Title I Parent Involvement..... (policy 1320/3560)
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)
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Students at Risk of Academic Failure (policy 3405)
Student Promotion and Accountability..... (policy 3420)
School Improvement Plan (policy 3430)
Class Rankings (policy 3450)
Alternative Learning Programs/Schools..... (policy 3470/4305)
Religious-Based Exemptions from School Programs (policy 3510)
Special Education Programs/Rights of Students with Disabilities..... (policy 3520)
Comprehensive Health Education Program (policy 3540)
Counseling Program (policy 3610)
Extracurricular Activities and Student Organizations (policy 3620)
Equal Educational Opportunities..... (policy 4001)
Age Requirements for Initial Entry (policy 4100)
Discretionary Admission (policy 4130)
School Assignment..... (policy 4150)
Release of Students from School..... (policy 4210)
Student Insurance Program..... (policy 4220)
Student Behavior Policies..... (policy 4300)
School Plan for Management of Student Behavior (policy 4302)
School-Level Investigations (policy 4340)

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

Legal References: G.S. 115C-36

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

Adopted: January 12, 2015

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in 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. involvement of parents and guardians in student learning;
4. promotion of volunteering;
5. involvement of parents and guardians in school decisions that affect children and families;
6. parental training;
7. community collaboration; and
8. promotion of student health awareness.

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

A. PARENT COMMUNICATION AND CONFERENCES

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

The principal or designee shall 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. PARENTAL NOTIFICATION

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent involvement policy (policy 1320/3560, Title I Parent Involvement) and the school-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. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);
7. policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure;

8. policy 1740/4010, Student and Parent Grievance Procedure;
9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used and the consequences thereof, and whether each test is required by the State Board of Education or by the local board;
10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress and 3450, Class Rankings);
11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;
12. a 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, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children;
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 unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);
26. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);
27. that the school system provides equal access to its facilities, programs and activities to the Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying); and
28. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

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

1. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);
2. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);
3. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the

school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

4. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse – Reports and Investigations);
5. their child's participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);
6. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;
7. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and
8. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

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

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);
2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);

3. off-campus trips;
4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);
5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);
6. certain health services, as required by law;
7. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;
8. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720, Surveys of Students);
9. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and
10. disclosure of the identity of any student receiving supplemental education services under the Title I program.

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47(47), -47(51), -47(54), -47(58), -81(e1), -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -407.16; State Board of Education Policies FCB-A-000, GCS-A-001, GCS-J-002

Cross References: 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), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse – Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders

(policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Adopted: January 12, 2015

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 provides 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 will operate as school-wide programs or targeted assisted programs based upon federal eligibility criteria. School-wide programs will utilize a comprehensive school improvement process enabling schools to serve all students in the school. Targeted assistance programs will 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 to 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 LEA'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)

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

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)

Adopted: January 12, 2015

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

A. SUPERVISION OF STUDENTS

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

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

B. SUPERVISION OF VISITORS

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

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

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

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

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

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

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

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

When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgement 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 school 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 report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, and the superintendent or designee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

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

8. Student Behavior Standards

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

Legal References: G.S. 14-208.18; 115C-36, -47, -81.4, -105.49, -105.53, -105.54, -166, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; State Board of Education Policies HRS-A-000, TCS-P-005

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

Other Resources: *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/getdoc/2158e7b1-bd55-4cal-bdf4-80260f766926/Keeping-North-Carolina-Schools-Safe---Secure.aspx>

Adopted: January 12, 2015

It is the goal of the board to provide a process by which school system personnel can respond quickly and effectively to any threat to the safety of their students and staff. Therefore, school personnel are required to follow this regulation, and any other implementing regulations promulgated by the superintendent, in preparing for, responding to and following up on the communication of any threat that an explosive device has been or will be placed on school grounds.

The principal or designee is required by law to develop a local safe school plan. Each plan must include a component that addresses how bomb threats will be handled at the principal's school. The bomb threat component must address the following items.

A. ANTICIPATING A BOMB THREAT

1. Communication and Coordination with Law Enforcement

The principal shall establish and maintain a process for ongoing communication and coordination among school staff and all appropriate public safety authorities for purposes of planning for, training for, and responding to any bomb threat. The principal shall establish a bomb threat response team consisting of the principal; the superintendent; and persons representing teachers, custodians, office staff, transportation providers and parents. The principal shall also request participation by persons representing local law enforcement and fire/rescue agencies.

2. Training of School Personnel

The principal shall arrange for the training of all staff in responding to threats and in searching for potential explosive devices. This training must include at least one drill annually for the school staff and others involved in responding to bomb threats.

a. Full Staff Training

The principal shall ensure that all staff are trained about their responsibilities in the event of a bomb threat. Such responsibilities may include executing proper evacuation procedures, ensuring the safety of students and staff, noting the absence of any students, conducting quick but complete visual scans of their workplace and adhering to the requirements for reporting specific information. Substitute teachers and other substitute school personnel must be made aware of this regulation and staff obligations, including their own specific obligations, during a bomb threat.

b. Telephone Operators Training

The principal shall ensure that all staff whose regular duties include answering incoming telephone calls are trained in the protocol to use when confronted by a telephone bomb threat.

c. Training for Staff Participating in a Search

The principal shall ensure that all staff participating in a search for explosive devices are first trained by appropriate public safety personnel regarding the potential danger and the proper sequence and technique involved.

3. Instruction of Students

The principal shall ensure that all students are instructed about proper conduct during a bomb threat, the potential criminal and civil penalties and school discipline associated with making a bomb threat and the disruption and costs to the educational process stemming from a bomb threat.

4. Drills

The principal shall conduct no fewer than two bomb threat drills for the bomb threat response team and staff during the course of the school year.

5. Pre-arranged Signal

The principal shall establish a signal for announcing a bomb threat and train staff to recognize and respond to the signal.

6. Precautions

The principal shall take all reasonable precautions to protect the school environment in the event of a bomb threat.

a. Call Tracing Capacity

The principal shall assess the feasibility of caller ID or other call-tracing capacity on telephones and, if appropriate, recommend the addition of such a service.

b. Locking Work Areas

The principal shall ensure that school employees with access to lockable workspaces, such as closets and cabinets, keep them locked when not in use.

c. Trash

The principal shall direct school personnel not to allow the accumulation of trash, boxes and other such articles inside or next to the building.

d. Parking

The principal shall ensure that parking spaces are not located close to the school building or that parking spaces close to the building are designated for staff use only. The principal also shall ensure parking restrictions are strictly enforced.

e. Evacuation Sites

The principal shall identify and designate evacuation gathering places, which are specific locations to which all students and staff members will go during an evacuation. The designated location must be away from heavily traveled roadways.

B. REACTING TO A BOMB THREAT

1. Notification

a. Duty of School Personnel

School personnel are required to notify the principal immediately of all bomb threats by telephone or other means. School personnel also shall notify the principal immediately of any suspicious devices on school property.

b. Telephone Answering

All personnel who regularly answer telephone calls from outside sources must be provided with a bomb threat card and report form to be placed within easy reach of their telephones. The card must have printed upon it information to ask for and information to listen for in the event a caller makes a bomb threat. Whoever receives the call shall attempt to transfer it to the principal or, if that cannot be done, ask the caller as many of the questions on the bomb threat card as he or she can, carefully noting all wording and other information. Any information received from the caller must be passed on to the principal as soon as possible. The recommended steps and checklist shall also be included in the regulations handbook.

c. Duty of Principal

Upon learning of the threat, the principal shall alert the appropriate

officials, including local public safety agencies, utility companies and the superintendent.

2. Assessment

Upon learning of the threat, the principal shall consult with local public safety officials and the superintendent, to the extent time permits. The principal is responsible for evaluating the credibility of the threat, deciding whether to direct a search of the building, and deciding whether and when to evacuate the building.

3. Evacuation

a. Extent of Evacuation

The principal, in consultation with the bomb threat response team (as possible under the circumstances), shall decide on the extent to which the building will be evacuated and/or the extent to which students will be assembled in one or several locations within the building. When students are evacuated they should be taken to a particular site no less than 300 feet from the building to avoid any potential damage from explosions.

b. Signaling

Through the use of the prearranged signal, the principal shall inform the staff immediately of the decision to evacuate the school.

c. Adjusting Evacuation Route and Sites

The principal shall direct personnel to adjust their usual evacuation routes and evacuation sites if necessary to avoid any suspected explosive device or other potential danger.

d. Staff Obligations

In the event of an ordered evacuation, staff shall:

- 1) Scan their rooms or other work areas for signs of any unusual object or person and report any suspicious object or person to the principal or law enforcement authorities;
- 2) Ensure that windows and doors are locked;
- 3) Make sure that any students in their charge are guided to safety and remain with the students in their charge; and
- 4) Take attendance books, check attendance once the evacuation is

accomplished and report names of any missing students to the principal.

e. Student Conduct

All students are required to obey all directions and maintain an orderly and quiet demeanor.

f. Utilities

The principal shall decide whether the gas, electric and telephone should be turned off and, if so, make the appropriate arrangements.

g. Traffic

The principal shall ensure that there is a safe and efficient method for access to the building by public safety vehicles and for departure of students and staff.

h. Searches

The principal shall work with local law enforcement to determine who will be included in a search team. Under no circumstances will students be included. All search team members must be trained with respect to the dangers involved, precautions to observe and the techniques to follow. If any suspicious object is discovered, no school personnel should touch it. The presence of any suspicious object or person must be reported immediately to the principal and/or the public safety official in charge. If there is an explosion, the principal shall yield to the decisions of public safety officials.

Legal References: G.S. 115C-36; 115C-391(d3)

Cross References: School Safety (policy 1510/4200/7270)

Adopted: November 9, 2009

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

Each staff member is encouraged to avail himself/herself of every opportunity to increase his/her knowledge and further develop skills relevant to his/her area of employment with the Whiteville City administrative Unit. Administrators and supervisors are encouraged to attend and participate on educational meetings that relate to system wide or school level improvement goals. The board encourages the superintendent to keep informed of new and promising educational developments through attending educational conferences, seminars, workshops, and other professional meetings, visits to other school systems, and to use other means to keep abreast of modern educational thought and practice.

A. PROFESSIONAL DEVELOPMENT

The superintendent shall supervise and provide for ongoing professional staff development opportunities. These opportunities for development shall be designed to increase levels of performance efficiency. The superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional development programs for his or her school.

Staff development must be provided, at the system or school level, on the effective delivery of the required curriculum, the incorporation of technology into the student learning process and subjects clearly matched to the goals and objectives of the local safe school plans.

B. SELF-IMPROVEMENT

Licensed and professional employees are responsible for self-improvement. These employees are encouraged to seek information and training through staff development programs as well as other opportunities in order to meet this responsibility.

C. PLANS FOR GROWTH AND IMPROVEMENT

Supervisors and principals also may require employees to enter into plans, including

individual, monitored and/or directed growth plans established by the State Board, for professional growth and to improve performance. Plans should set clear expectations and facilitate clear communication between the evaluator and the evaluatee. Goals should be individualized and have a direct impact on instruction.

A performance improvement plan could involve participation in a staff development program or encompass a variety of strategies that are related to professional growth or improving performance. Action plans are required for all licensed employees who receive a “below standard” or “unsatisfactory” rating on a performance evaluation. Policy 7811, Action Plans for Licensed Employees, specifically sets forth the requirements for action plans. A monitored growth plan developed in accordance with State Board policy is required for all teachers who are rated “developing” on one or more standards of the North Carolina Teacher Evaluation Rubric. Teachers who are rated “not demonstrated” on any standard or who are rated “developing” on any standard for two sequential years must be placed on a directed growth plan. These plans satisfy the requirement for an action plan.

A plan required by a supervisor or principal may be appealed following the grievance procedure in policy 1750/7220, Grievance Procedure for Employees, if the employee contends that: (1) the plan is not likely to improve performance; (2) the supervisor or principal abused his or her discretion in developing the plan; or (3) the plan was not developed in conformance with any mandatory procedures.

D. PAYMENT OF COSTS

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

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

Certified personnel are responsible for maintaining an active teacher certificate.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-105.47(b)(9), -333(b), State Board of Education Policy TCP-C-004

Cross References: Grievance Procedure for Employees (policy 1750/7220), Action Plans for Licensed Employees (policy 7811)

Adopted: November 9, 2009

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT, AND BULLYING

Policy Code: 1710/4021/7230

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, 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 or programs.

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 student 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-wide 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.

C. DEFINITIONS

For purposes of this policy, the following definitions 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

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

“Hostile environment” means that the victim subjectively views the conduct as 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 reasonably 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, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as 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.

- b. Sexual harassment is one type of harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute 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 employee's 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, sexual assault, sexual violence, 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 to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

- c. 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. Information about this policy and the related complaint procedure must be included in the training plan.

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 efforts 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, on cell phones, and on the Internet.

F. NOTICE

The superintendent is responsible for providing effective notice to students, parents, and employees of this policy and 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 or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

1. Title IX Coordinator
Name:
Office Address:
Phone Number:

2. Section 504 Coordinator
Name:
Office Address:
Phone Number:

3. ADA Coordinator
Name:
Office Address:
Phone Number:

4. Age Discrimination Coordinator
Name:
Office Address:
Phone Number:

5. Coordinator for Other Non-discrimination Laws
Name:
Office Address:
Phone Number:

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 such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination, 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, -407.15 through -407.18; 126-16; State Board of Education Policy HRS-A-000

Cross References: Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 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 (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: February 9, 2015

DISCRIMINATION, HARASSMENT, AND BULLYING COMPLAINT PROCEDURE

Policy Code: 1720/4015/7225

The board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying 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 of 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 of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection D.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

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: February 9, 2015

NONDISCRIMINATION ON THE BASIS OF DISABILITIES

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

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

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

1. submit an assurance of nondiscrimination with each application for federal financial assistance;
2. designate a person to coordinate the system's efforts to comply with Section 504 of the Rehabilitation Act of 1973 ("Section 504") and its regulations;
3. designate a person to coordinate the system's efforts to comply with the Americans with Disabilities Act and its regulations;
4. publish the name, office address and phone number of the compliance coordinator(s) in a manner intended to ensure that employees, applicants, students, parents and other individuals who participate in the school system's programs are aware of the coordinator(s);
5. make complaint procedures available as provided in policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, which provides opportunities for prompt and equitable resolutions to complaints alleging actions prohibited by Section 504 or ADA or regulations for these statutes;
6. provide notice that the school system does not discriminate on the basis of disability in violation of Section 504 or the ADA, or their implementing regulations, and make such notice accessible to employees, applicants, students and parents;
7. make reasonable accommodations for qualifying applicants or employees with disabilities; however, a reasonable accommodation does not include an accommodation that demonstrably would impose an undue hardship on the program or would fundamentally alter the nature of the service, program or activity;
8. not inquire about any disabilities that may need accommodation until after an applicant has been made an offer and, additionally, avoid using employment tests or other selection criteria that tend to screen out persons with disabilities unless the criteria are

demonstrably job-related and effective alternatives are not available;

9. provide a free appropriate public education to each qualified student with disabilities in accordance with Section 504 and its regulations; and
10. establish and implement a system of procedural safeguards with respect to the identification, evaluation or educational placement of a student with disabilities under Section 504 which includes an opportunity for the student's parent or guardian to examine relevant records, an impartial hearing with the opportunity for participation by the parent or guardian and representation by counsel, and a review procedure.

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

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Service Animals in Schools (policy 4202/5029/7272)

Adopted: 10 December 2012

STUDENT AND PARENT GRIEVANCE PROCEDURE

Policy Code: 1740/4010

A. OPTIONS FOR RESOLVING COMPLAINTS

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

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

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

B. DEFINITIONS

1. Days

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

2. Final Administrative Decision

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

3. Grievance

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

processed under policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

4. Grievant

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

5. Official

The official is the school system employee hearing and responding to the grievant.

C. TIMELINESS OF PROCESS

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

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

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

D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.
2. All meetings and hearings conducted pursuant to this policy will be private.
3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

E. PROCESS FOR GRIEVANCE

1. Filing a Grievance
 - a. Whenever a student or parent or guardian believes that he or she has been adversely affected by a decision of a school employee, the student or parent or guardian may file a grievance as provided in this policy.
 - b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students, parents and guardians should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.
 - c. A student or parent or guardian who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent or guardian or student believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.
 - d. Even if the principal is the employee whose decision or action is at issue, the student must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied, misinterpreted or violated, the student may submit the grievance directly to the superintendent or designee.
 - e. If a student wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

2. Investigation
 - a. The principal shall schedule and hold a meeting with the student and/or parent or guardian within five school days after the grievance has been filed with the principal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
 - b. The principal shall conduct any investigation of the facts necessary before rendering a decision.
3. Response by Principal
 - a. The principal shall provide a written response to the written grievance within 10 days of the meeting. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.
 - b. A copy of the grievance and the principal's response will be filed with the superintendent.
4. Response by Superintendent
 - a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.
 - b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.
 - c. The superintendent shall provide a written response within 10 days after receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.
5. Appeal to the Board

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

request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

- 1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.
- 2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.
- 3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- 1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.
- 2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.
- 4) The board will provide a final written decision within 30 days of the decision to grant a hearing, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. NOTICE

The superintendent or designee is responsible for providing effective notice to students,

parents and school system employees of the procedures for reporting and investigating grievances.

G. RECORDS

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

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

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), Student Behavior Policies (4300 series)

Adopted: 11 July 2011

A. OPPORTUNITIES TO ADDRESS CONCERNS AND COMPLAINTS

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

1. informal resolutions of specific concerns (see section B, General Process, below);
2. public hearings and public comments at board meetings on subjects of concern to parents and the community (policy 2310, Public Participation at Board Meetings);
3. a procedure for parental concerns regarding the curriculum (policy 3210, Parental Inspection of and Objection to Instructional Materials);
4. specific processes for addressing disciplinary consequences (policies in the 4300 series);
5. processes as provided by law for special education students (policy 3520, Special Education Programs/Rights of Students with Disabilities; policy 4307, Disciplinary Action for Exceptional Children/Students with Disabilities); and
6. grievance procedures for addressing concerns regarding specific decisions, especially when there are concerns that board policy or law has been misapplied, misinterpreted or violated, including discrimination claims on the basis of sex or disability (policy 1740/4010, Student and Parent Grievance Procedure; policy 1745/4027, Harassment and Discrimination Complaint Procedure for Students).

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

B. GENERAL PROCESS

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

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.
2. Any board member or employee receiving a complaint should verify that the complaint has been appropriately referred to him or her and if not, assist the

complainant by identifying the appropriate personnel to receive the complaint.

3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.
4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators, students and parents, should discuss the issue and make recommendations to appropriate personnel or to the board.

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

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

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Harassment and Discrimination Complaint Procedure for Students (1745/4027), Public Participation at Board Meetings (policy 2310), Parental Inspection of and Objection to Instructional Materials (policy 3210), Special Education Programs/Rights of Students with Disabilities (policy 3520), Student Behavior Policies (4300 series), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307)

Adopted: November 9, 2009

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

A. INFORMAL RESOLUTION

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

B. DEFINITIONS**1. Days**

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

2. Final Administrative Decision

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

3. Grievance

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

- a. that there has been a violation, misapplication or misinterpretation of state or federal law or regulations, school board policy or administrative procedure;
- b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or

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

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act. Employee claims of discrimination, harassment or bullying, on the basis of race, color, national origin, sex, pregnancy, religion, age or disability, whether brought under this policy or otherwise, shall be processed under board policy 1755/7237, Harassment and Discrimination Complaint Procedure for Employees.

4. Grievant

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

5. Official

The official is the person hearing and responding to the grievant.

6. Parties in Interest

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

C. TIMELINESS OF PROCESS

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

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

D. GENERAL REQUIREMENTS

1. All parties in interest and their representatives in any grievance filed pursuant to this policy shall conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.
3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.
4. All meetings and hearings conducted pursuant to this policy will be private. Information received in the grievance process shall be held in confidence by the Board and its agents except as required by law and this policy.
5. The board and school system will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear and respond to grievants individually.
6. The board and administration will cooperate with the employee and representative in the investigation of any grievance and will furnish the employee or representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.
7. The employee may have a representative, including an attorney, at any stage of the grievance. However, any grievant intending to be represented by legal counsel must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.
8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.
9. It is permissible for either party to audio tape the proceedings of any meeting provided both parties are informed two days beforehand that an audio recording will be made and that an unedited copy of the tape will be available to the grievant.

E. PROCESS FOR GRIEVANCE

1. Reporting a Grievance
 - a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication or misinterpretation of state or federal law the superintendent or designee shall determine whether the grievance will be investigated after

considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in reporting may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

- b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedures that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision, action or physical condition at issue or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate and the principal or immediate supervisor shall address the concern following that board policy.
- c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges retaliation by the supervisor, in which case the grievance may be presented instead to the assistant superintendent for human resources (or to the superintendent if the grievant's supervisor is the assistant superintendent for human resources). The person receiving the grievance hereinafter will be referred to as "official."

2. Response by Official

- a. The official shall arrange for a grievance file number to be assigned by the personnel office.
- b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.
- c. A meeting will take place at a mutually agreed-upon time within five days after receipt of the grievance.
- d. The official shall conduct any investigation of the facts necessary before

rendering a decision.

- e. The official shall provide the aggrieved employee(s) with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

- a. If the grievant is dissatisfied with the official's response, the grievant may appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.
- b. The superintendent or designee shall arrange for a meeting with the employee(s) to take place within five days of the receipt of the appeal.
- c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the aggrieved employee(s) with a written decision within 10 days after the meeting.

4. Appeal to the Board

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

a. Mandatory Appeals

- 1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.
- 2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

- 3) No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the Board or its committee.
- 4) Each party may have one (1) representative at the hearing before the Board or its committee.
- 5) The decision of the Board or its committee may affirm, disaffirm, or modify the decision of the superintendent.
- 6) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

- 1) If the grievant is not satisfied with the superintendent's response but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent's response.
- 2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500, Hearings Before the Board. Notwithstanding the provisions of policy 2500, the board may choose to review discretionary appeals on the record only, without allowing oral presentations.
- 4) No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the Board or its committee.
- 5) Each party may have one (1) representative at the hearing before the Board or its committee.

- 6) The decision of the Board or its committee may affirm, disaffirm, or modify the decision of the superintendent.
- 7) The board will provide a final written decision within 30 days of the decision to grant a hearing unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. Withdrawal Of Grievance And Retention Of Records

A grievance may be withdrawn at any point by the individual submitting the grievance. However, a grievance that has been withdrawn cannot be reopened.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; 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; *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); G.S. 126-16

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Responding to Complaints (policy 1742/5060), Harassment and Discrimination Complaint Procedure for Employees (policy 1755/7237), Hearings Before the Board (policy 2500)

Adopted: November 9, 2009

PROHIBITION AGAINST RETALIATION

Policy Code: **1760/7280**

The board of education prohibits and will not tolerate any form of reprisal, retaliation or discrimination against any employee who (1) in good faith, has made or intends to make a report that there has been a violation of federal, state or local law, regulation or public policy due to a practice, policy, act or omission of the board of education, of a school system employee or of an entity/person with whom the school system has a business relationship; or (2) has refused to carry out a directive which may constitute a violation of state or federal law, rule or regulation or poses a substantial or specific danger to the public health and safety.

An employee who reasonably believes that any such violation exists may file a grievance in accordance with policy 1750/7220, Grievance Procedure for Employees.

The provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy or practice to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, the school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

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

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

Cross References: Grievance Procedure for Employees (policy 1750/7220)

Adopted: November 9, 2009

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

1. acting in accordance with the code of ethics, as provided in policy 2120, Code of Ethics for School Board Members;
2. maintaining effective board/superintendent relations;
3. operating cost effectively and efficiently;
4. conducting business openly;
5. meeting requirements and duties for the board as established in board policy or law; and
6. making decisions with the board's goals, objectives and other principles as the guiding focus.

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

Legal References: G.S. 115C-36

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

Adopted: 11 Jan 2010

The board recognizes the importance of an effective working relationship between the board and superintendent. The board further recognizes the distinct and separate areas of responsibility of the board and superintendent to the school system.

The Whiteville City Board of Education believes that the legislation of policies is the most important function of the board. The execution of the policies is the primary function of the superintendent. The board holds the superintendent accountable for effectively carrying out its policies within established guidelines and for keeping the board informed about school operations. A part of the agenda for each meeting shall be designated for the superintendent's report and recommendations to the board. The superintendent shall notify the board as promptly as possible of emergencies requiring the board's attention.

The superintendent is the chief administrative officer of the Whiteville City Schools Administrative Unit and is responsible for the administration of the system of schools consistent with the board's policies.

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

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

Cross References: Board Authority and Duties (policy 1010), Duties of Officers (policy 2210)

Adopted: 11 Jan 2010

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

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

Cross References: Board Authority and Duties (policy 1010)

Adopted: 11 Jan 2010

A. QUALIFICATIONS

Any person possessing the qualifications for election to public office as provided in Article VI, Section 6 of the Constitution of North Carolina and who is a qualified voter and resident of the Whiteville City Schools Administrative Unit is eligible to serve as a member of the board of education.

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

B. MEMBERSHIP AND TERMS OF OFFICE

The board of education will consist of five (5) members with four (4) members elected by district and one (1) member elected at large. All terms will be for four years with the terms staggered so that as nearly equal to one-half as possible will expire every two years. All elections are nonpartisan and are to be held at the time of the November general election in even-numbered years and in accordance with S.L. 1995-661. The results of such election are to be determined in accordance with G.S. 163-293.

C. OATH OF OFFICE

Before taking office, newly elected board members will take and sign the following oath or affirmation on or before the first scheduled board meeting in December following their election:

"I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution and laws of the United States and the Constitution and laws of the State of North Carolina and that I will faithfully discharge my duties as a member of the Whiteville City Board of Education to the best of my ability so help me, God."

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

Legal References: N.C. Const. art. VI, §§ 6 and 7; G.S. 14-229; 115C-35, -37; 163-293; S.L. 1995-661; Chapter 168, S.L. 1977

Cross References:

Adopted: 11 Jan 2010

All vacancies in the membership of the board of education caused by death, resignation or otherwise will be filled by a person appointed by the remaining members of the board, within 15 days, to serve until the next election of board members, at which time the remaining unexpired term, if any, will be filled by election.

The appointment shall be approved, by roll call vote, by not less than three members of the board. In the event there is a tie vote for the filling of a vacancy, the resident superior court judge shall, within 15 days, cast the deciding vote.

The vacancy will be filled by the appointment of a qualified resident from the same district where the vacancy occurred or from the school system voting district at-large if the vacancy occurred in the at-large position.

When a vacancy occurs on the board, it is in the best interest of the school system to encourage as many able citizens as possible to consider becoming a school board member.

To that end, the following procedures shall be used to identify and appoint citizens to fill board vacancies:

1. Announcement of the vacancy and the procedure for filling will be made in the general news media as well as general system-wide publications, including the timeline for the process.
2. All interested persons will be invited to apply for the position provided that they are registered voters who reside in the voting district in which the vacancy occurs.
3. Interested persons must submit a letter of interest, a current resume and proof of legal and residency requirements to the board chairperson for distribution to the board as a whole.
4. If there are five or fewer interested persons, the board will interview all of the applicants. If there are more than five, the board will pre-screen the applicants and select the five interested persons it will interview.
5. Following the interviews, the board will appoint the applicant by majority vote.

In the event the remaining board members do not appoint a person to fill the vacancy within 15 days after said vacancy occurs, the resident superior court judge shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term.

The board may discuss the following topics at the interview:

1. Review the Whiteville City Schools policy manual.
2. The applicants training, interests, experience on policy boards, community and/or school

activities, etc.

3. Describe the major strengths of the school system.
4. Describe the major shortcomings of the school system.
5. Describe how the applicants experience, training and interest can contribute to the improvement of the school system.
6. Identify any commitments that might prevent the applicant from attending regularly scheduled meetings, participation in workshops, reviewing study materials, etc.

Legal References: G.S. 115C-37(f); Chapter 661, S. L. 1995

Cross References:

Adopted: 11 Jan 2010

A person who has been impeached from any office or adjudged guilty of a felony, corruption, or malpractice in any office and who has not been restored to the rights of citizenship is disqualified for office.

A board member who changes residence such that he or she is no longer entitled to vote in an election for the office he or she holds is disqualified from continuing to hold the office.

A member of the local board of education who becomes disqualified for office may be subject to removal under G.S. 1-515.

In addition, as provided by G.S. 14-230, a board member who willfully and corruptly omits, neglects, or refuses to discharge any of the duties of office or who willfully and corruptly violates the oath of office is subject to removal from office by a court.

Legal References: N.C. Const. art. VI; G.S. 1-514 to -532, 14-228 to -234.1

Cross References:

Adopted: 11 Jan 2010

CODE OF ETHICS FOR SCHOOL BOARD MEMBERS

Policy Code:

2120

The board recognizes that, collectively and individually, all members of the board must adhere to a code of ethics as required by G.S. 160A-83 and G.S. 115C-47(57).

A. BOARD MEMBER ETHICAL REQUIREMENTS

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

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;
2. the need to uphold the integrity and independence of the board member's office;
3. the need to avoid impropriety in the exercise of the board's and board member's official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. ADDITIONAL BOARD MEMBER COMMITMENTS

Each member of the board commits to the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions only after full discussion at publicly held board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. encourage the free expression of opinion by all board members and seek systematic communications between the board and students, staff and all elements of the community;
5. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

6. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;
7. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;
8. comply with North Carolina General Statute 115C-50 by earning annually the required 12 hours of training;
9. comply with G.S. 160A-84 by earning two hours of ethics education within 12 months of election or appointment to the board;
10. support the employment of those persons best qualified to serve as school employees and insist upon a regular and impartial evaluation of all employees;
11. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;
12. take no private action that will compromise the board or administration and respect the confidentiality of information that is privileged under applicable law; and
13. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

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

Legal References: G.S. 115C-36, -50; 160A-83, -84

Cross References: Board Member Opportunities for Development (policy 2123)

Adopted: 11 Jan 2010

All board members are subject to the criminal laws related to conflicts of interest in public office, including strict restrictions against having a pecuniary interest in any business of the board. In addition, board members will not let any personal or business interest interfere with their duties as public officials, including ethical duties as specified in policy 2120, Code of Ethics for School Board Members. All board members have the obligation to consider their private, personal and/or business interests that may significantly affect the board member's actions on a matter before the board. When a board member becomes aware of a conflict or a potential conflict, the board member must declare the conflict and abstain from participating or voting on the matter.

A member of the board will not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
2. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
3. solicit or receive any gift, reward or promise for recommending, influencing or attempting to influence the award of a contract.

A board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board of education and the spouse of a board member. However, the board member involved will not deliberate or vote on the contract or attempt to influence any other person who is involved in making or administering the contract.

Legal References: G.S. 14-234; 133-32

Cross References: Code of Ethics for School Board Members (policy 2120), Employee Conflict of Interest (policy 7730)

Adopted: 11 Jan 2010

**ROLE OF BOARD
MEMBERS IN HANDLING COMPLAINTS**

Policy Code: **2122**

An individual board member who receives a complaint or inquiry from a parent or interested citizen concerning a school matter will refer the complainant to the appropriate school administrator and, when appropriate, advise the complainant of the procedures in place for making such complaints.

The board member also may refer the complainant to the superintendent, who shall determine an appropriate means of responding to the complaint. The board attorney also may be notified of the complaint in accordance with policy 2610, Board Attorney.

Individual board members will refrain from taking individual action with regard to such complaints other than referring them to the proper administrative employee.

Legal References: G.S. 115C-36

Cross References: Responding to Complaints (policy 1742/5060), Board Attorney (policy 2610)

Adopted: 11 Jan 2010

BOARD MEMBER OPPORTUNITIES FOR DEVELOPMENT

Policy Code:

2123

Board members are encouraged to participate in school board development activities designed for them. New board members will have the opportunity and will be encouraged to attend orientation programs for new board members sponsored by the state and national school board associations. It is the responsibility of the board to provide new board members with a thorough orientation to board policies, practices and duties.

Each board member must fulfill the legal requirement to receive a minimum of 12 hours of training annually.

All board members must receive a minimum of two hours of ethics education within 12 months after initial election or appointment to office and again within 12 months after each subsequent election or appointment to office. This education must address the laws and principles that govern conflicts of interest and ethical standards for local government officials. The superintendent shall maintain records verifying that each board member has participated in the required ethics education. The ethics education required under this paragraph may be counted towards the annual 12-hour training requirement.

Unless otherwise approved by the board, such training must be provided by the following entities: the school system, the North Carolina School Boards Association, the National School Boards Association, the School of Government or the Department of Public Instruction. If a board member wishes to receive training credit or be reimbursed for attending training offered by another entity, he or she must obtain approval from the board.

Funds for participation will be budgeted annually, and reimbursement for expenses will be made in accordance with law and applicable board policy.

Legal References: G.S. 115C-50; 160A-86, -87

Cross References: Code of Ethics for School Board Members (policy 2120)

Adopted: 10 December 2012

Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent for human resources (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

It is a criminal violation for an employee or board member to do either of the following:

- knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or
- knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: 11 Jan 2010

**BOARD MEMBER
COMPENSATION AND EXPENSES**

Policy Code: **2130**

A. COMPENSATION

Board members will be compensated for the performance of official, within system school business. The amount of compensation will be established according to applicable laws.

B. REIMBURSEMENT

Board members will be reimbursed for out-of-pocket expenses incurred in the performance of their duties. Requests for reimbursement must be submitted within 30 days of incurring the expenses. Such requests will be signed by the board member incurring the expense. Requests for reimbursement submitted by the chairperson will be signed by the superintendent.

Legal References: G.S. 115C-38; 153A-92

Cross References:

Adopted: 11 Jan 2010

ELECTION OF OFFICERS/ ORGANIZATION OF BOARD

Policy Code:

2200

The board will elect a chairperson and a vice-chairperson to serve for a term of one year or until his or her successor is elected and qualified by taking the oath of office prescribed in Article VI, Sec. 7 of the North Carolina Constitution (see policy 2110, Board Member Elections). An officer of the board may serve successive terms. An organizational meeting for the election and qualification of officers will be held at the regularly scheduled December meeting of the board and as often thereafter as the board determines appropriate. The officers will be elected in the following order: chairperson, vice-chairperson.

If the chairperson or vice-chairperson resigns from office, the position will be filled at the next regular meeting of the board. The individual elected must have the majority vote of all members present.

If necessary at any meeting held to elect officers, the superintendent will serve as chairperson of the board for the purpose of conducting the election of the chairperson.

Legal References: G.S. 115C-37(d), -41

Cross References: Board Member Elections (policy 2110)

Adopted: 11 Jan 2010

The designated officers of the board will be the chairperson, vice-chairperson, chairperson pro tempore and secretary.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

A. DUTIES OF THE CHAIRPERSON

1. The chairperson has the following duties:
 - a. preside at all meetings of the board;
 - b. preserve order at all times and decide all questions of order unless otherwise directed by the board;
 - c. appoint committee members and chairpersons;
 - d. serve as ex-officio member of all committees;
 - e. call special meetings; and
 - f. sign official system documents.

The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson has the following powers:
 - a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;
 - b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks;
 - c. to entertain and rule on questions of parliamentary procedure;
 - d. to call a brief recess at any time; and
 - e. to adjourn in an emergency.
3. The chairperson will have a vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to

the public.

B. DUTIES OF THE VICE-CHAIRPERSON

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

C. DUTIES OF THE CHAIRPERSON PRO TEMPORE

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

D. DUTIES OF THE BOARD SECRETARY

The superintendent shall serve as ex-officio secretary to the board. The superintendent shall keep the minutes of the meetings of the board but shall have no vote. In the event of a vacancy in the superintendency, or if the superintendent is excluded for a closed session, the board may elect one of its members to serve temporarily as secretary to the board.

As secretary to the board, the superintendent shall:

1. record all proceedings of the board;
2. issue all notices and orders that may be made by the board;
3. ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book, which must be kept in the office of the superintendent and be open to public inspection during regular business hours;
4. manage all correspondence on behalf of the board, unless the board directs otherwise;
5. prepare and distribute copies of the agenda as required by law and board policy;
6. maintain board members' manuals of policies and administrative regulations in current status;
7. advise the board of policies previously adopted that affect items on the agenda requiring policy consideration;
8. in the absence of the chairperson and vice-chairperson, call the board meeting to order and conduct the election of a chairperson pro tempore; and

9. perform other duties as required by state law or board policy.

Legal References: G.S. 115C-41(a), -276(b)

Cross References:

Adopted: 11 Jan 2010

The official spokespersons of the school system will be the chairperson of the board or designee and the superintendent and designees. Any person speaking in an official capacity shall conduct his or her assignment from the standpoint of the best interests of the board, the school system and the community, not as a representative of his or her own personal ideas or feelings.

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

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

Adopted: 11 Jan 2010

The board may appoint or authorize the appointment of certain committees by the chairperson. The function of all committees shall be to investigate and recommend actions to the board which shall be entered into the official minutes. The board will provide all committees with a suitable meeting place and administrative assistance. All committees are subordinate to the board and shall have no power except as bestowed by the board. The board must approve all actions recommended by committees and no action shall be deemed authorized until approved by the board. No public announcement may be made by any committee or its members until such announcement and release has been approved by the board.

All committees, except for a special committee required by law, will be organized for specific duties, serve at the pleasure of the board and may be disbanded by majority vote of the board. The superintendent may recommend staff members to serve as ex-officio members on designated committees. The appointment of staff members to committees will be made by the board.

A. AD HOC COMMITTEES

As time and situations demand, ad hoc committees may be appointed by the chairperson with the approval of the board. Ad hoc committees have no final authority and are subordinate and advisory to the board. Ad hoc committees will be deemed disbanded upon acceptance of the ad hoc committee's final reports by the board.

B. ADVISORY COMMITTEES

The board, at its discretion, may appoint an advisory committee to study and provide advice on any issue before the board. Advisory committees may be formed by the board at such times and for such purpose as the board deems necessary. Such committees will function until their assigned goal has been accomplished, and then will be dissolved. Advisory committees will be assigned to investigate areas of the educational program, which need development, change, or reorganization and areas of community involvement in school system matters.

Committee members will be representative of the school system and may be chosen from among individuals who have shown an interest in the topic to be studied and who express an interest in the advancement of public education. Once activated, the committee will report periodically and keep the board informed of its progress and any concerns. The board may designate the intervals at which it will hear from the committee, but any significant developments will be reported as they occur.

C. OPEN MEETINGS LAW

All committees of the board are public bodies within the meaning of the North Carolina Open Meetings Law and are subject to all requirements of that law pertaining to notice, closed sessions, minutes, voting and penalties (see policy 2320, Compliance with the Open Meetings Law).

Legal References: G.S. 115C-36; 143-318.9 *et seq.*

Cross References: Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321)

Adopted: 11 Jan 2010

The board, as a corporate body, may transact business only at official meetings of the board. An individual board member has no authority to act absent the delegation of authority by the board at an official meeting.

As defined by law, an official meeting of the board includes any meeting, assembly or gathering together at any time or place or the simultaneous communication by conference telephone or other electronic means of a majority of the members of a public body for the purpose of conducting hearings, participating in deliberations, or voting upon or otherwise transacting the public business of the public body. However, a social meeting or other informal assembly or gathering together of the members of a public body does not constitute an official meeting unless called or held to evade the spirit and purposes of the open meetings law.

A. TYPES OF MEETINGS

While the board is determined to operate efficiently, it also is mindful of the importance of thoughtful planning and discussion prior to taking formal action. Regular meetings will be held at a predetermined time and place to conduct the business of the board. In addition, the board may hold emergency meetings, work sessions, retreats, public hearings or other special meetings as it deems necessary to act in a timely manner and provide its members and executive staff with the opportunity to have an exchange of ideas and receive input from other staff, parents, students and the community.

B. REGULAR MEETINGS

The board will hold one (1) regular monthly meeting. Each year during the regular meeting in July, the board will adopt an annual schedule of regular meetings, including the time and place of each regular meeting.

The superintendent shall publish and announce the schedule and keep on file the schedule of regular meetings with the predetermined time and place. The schedule will be revised only in accordance with legal requirements for notice. In the event that changes are required to the adopted schedule of regular meetings, the superintendent shall publicly announce and post the changes seven (7) days in advance of the new meeting date.

C. EMERGENCY MEETINGS

An emergency meeting may be called in order to address generally unexpected circumstances that require immediate consideration by the board. Only emergency business may be conducted at an emergency meeting. Notice of emergency meetings shall be in accordance with G.S. 143-318.13(b)(3). The chairperson, or the vice-chairperson, if the chairperson is unable or unwilling to act, will call an emergency meeting when (a) two members so request; or (b) the chairperson and/or superintendent determines that the meeting is necessary.

D. SPECIAL MEETINGS

1. Retreats and Workshops

Retreats and workshops are special meetings that may be scheduled in order to give the board more time to deliberate or evaluate issues. The chairperson, or the vice-chairperson, if the chairperson is unable or unwilling to act, will call a retreat or workshop upon a majority vote of the board.

2. Public Hearings

Public hearings required by law or deemed advisable by the board will be organized by a special order and adopted by a majority vote, setting forth the subject, date, place and time of the hearing as well as any rules regarding participation, such as the length of time for each speaker. The purpose of the meeting is to gather information and hear opinions from the community. Generally, board members will respond only to seek clarification. At the appointed time, the chairperson or designee will call the hearing to order and preside over it. When the allotted time expires or when no one wishes to speak, the chairperson or designee will declare the hearing ended.

3. Called or Special Meetings

Other special meetings may be scheduled in between regular meetings. The meeting must be noticed 48 hours prior to its scheduled time and the notice shall include the time, place and the subjects to be discussed. The chairperson, or the vice-chairperson, if the chairperson is unable or unwilling to act, will call a special meeting to address a particular item or topic when (a) a majority of board members so request; or (b) the chairperson and/or superintendent determines that the meeting is necessary.

E. OPEN MEETINGS LAW COMPLIANCE

The board will comply with the open meetings law, including notice of meetings.

Legal References: G.S. 143-318.9, -318.10, -318.12, 318.13; 115C-4, -41(b)

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

Adopted: 11 Jan 2010

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy Code:

2310

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

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

A. REQUESTS TO PLACE ITEM ON THE AGENDA

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

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

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

The superintendent shall notify the requesting party of the response to the request. The board may, by majority vote and notwithstanding prior denial by the superintendent, consent to hear a presentation when the appeal to speak is made immediately prior to or during the course of the meeting. The superintendent shall explain any other processes available for addressing the concerns. (See section C, Reports of Complaints, below.)

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

B. PUBLIC COMMENT

Each month, a part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment. A sign-up sheet will be available for any individual or group to indicate their desire to address the board. The chairperson will decide the amount of time devoted to public comments. The superintendent shall

develop additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.

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

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

Discussions regarding litigation, student records, personnel matters or other matters which may be required to be kept confidential may not be discussed in the open forum meeting. The chairperson will have the responsibility to rule a speaker out of order, if necessary, in order to comply with confidentiality requirements and/or to maintain order. Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

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

C. REPORTS OF COMPLAINTS

Members of the public may not use the provisions of this policy as a means to by-pass other board policies regarding the filing of complaints or grievances. Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

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

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

Adopted: 11 Jan 2010

The board affirms the public policy of this State that hearings, deliberations and actions of public bodies be conducted openly.

A. APPLICABILITY

All “public bodies” holding official meetings must comply with the requirements of the open meetings law in Article 33C of Chapter 143 of the General Statutes. The term “public bodies” includes the board, any committees of the board, school improvement teams and, as defined by law, any other committee of two or more members that exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative or advisory function, unless the committee or group is solely comprised of professional staff.

B. COMPLIANCE

As secretary to the board, the superintendent shall provide required notice and record and maintain minutes of all official meetings of the board, board committees or committees appointed by the board. The principal or designee shall be responsible for compliance with the open meetings law by school improvement teams or any other public bodies at the school level. The superintendent or designee shall make copies of the open meetings law available to any public bodies associated with the school system. The board and other public bodies of the school system are encouraged to consult the school board attorney in accordance with policy 2610, Board Attorney, to obtain advice on complying with the legal requirements of the open meetings law.

1. Notice

Notice will be given in accordance with law for all regularly scheduled meetings, emergency meetings and any other meetings, such as public hearings, work sessions, electronic meetings or retreats.

2. Minutes

For all official meetings, whether held in open or closed session, minutes will be recorded and maintained in accordance with all legal requirements. The minutes will be kept on file as the official records of action of the board of education. The superintendent in his/her role as secretary shall be responsible for keeping complete and accurate minutes and will make them available for public inspection pursuant to legal requirements and policies 2210, Duties of Officers and 5070, Public Records. The superintendent will ensure that copies of the minutes of a preceding meeting are sent in advance to board members as part of the board meeting materials (see policy 2335, Advance Delivery of Meeting Materials). The minutes of a preceding meeting will be approved, following any necessary

revisions, and signed by the board chair and secretary.

3. Closed Sessions

Closed sessions will be held only when required to permit the board to act in the public interest and as permitted by law. A motion to go into closed session must be made and adopted in open session in accordance with the requirements of G.S. 143-318.11(c) and policy 2321, Closed Sessions.

Legal References: G.S. 143-318.9, -318.10, -318.11, -318.12

Cross References: Closed Sessions (policy 2321), Board Attorney (policy 2610)

Adopted: 11 Jan 2010

Closed sessions will be held only when required to permit the board to act in the public interest as provided by law.

A. PERMITTED PURPOSES

By majority vote of its members present, the board may hold or retire to a closed session as permitted by law for the following reasons:

1. to prevent the disclosure of information that is privileged or confidential pursuant to the law of this state or of the United States, or that is not considered a public record within the meaning of Chapter 132 of the General Statutes;
2. to prevent the premature disclosure of an honorary degree, a scholarship, a prize or similar awards;
3. to consult with an attorney employed or retained by the board in order to preserve the attorney-client privilege between the attorney and the board, including discussions on the handling or settlement of a claim, judicial action, mediation, arbitration or administrative procedure;
4. to discuss matters relating to the location or expansion of industries or other businesses in the area served by the board;
5. to establish or to instruct the board's staff or negotiating agents concerning the position to be taken by or on behalf of the board in negotiating (a) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange or lease; or (b) the amount of compensation and other material terms of an employment contract or proposed employment contract;
6. to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual employed or considered for employment with the school system; or to hear or investigate a complaint, charge or grievance by or against any individual employee;
7. to plan, conduct or hear reports concerning investigations of alleged criminal misconduct;
8. to formulate plans relating to emergency responses to incidents of school violence; and
9. to discuss and take action regarding plans to protect public safety as it relates to

existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

B. ACTIONS THAT MUST BE REPORTED OR TAKEN IN OPEN SESSION

While deliberations may occur in closed session, the following board actions must be taken or reported in open session.

1. If the board has approved or considered a settlement in closed session, the terms of that settlement will be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded. The report should be made in open session unless there is a basis for the report to be heard only in closed session.
2. Final action making an appointment or discharge or removal by the board having final authority for the appointment or discharge or removal must be taken in open session.

C. REASONS EXPRESSLY PROHIBITED FOR CLOSED SESSIONS

The following are expressly prohibited by law as a basis for closed sessions:

1. to discuss general policy matters or other issues that would be open merely because an attorney employed or retained by the board is a participant; and
2. to consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the board or another body or to consider or fill a vacancy among its own membership.

D. PROCEDURE

The board of education will meet in closed session only upon a motion duly made and adopted in public pursuant to G.S. 143-318.11(c). Every motion will cite one or more of the permissible purposes as provided in G.S. 143-318.11(a) and in this board policy. A motion based on the need to prevent the disclosure of information that is confidential or privileged will also cite or name the law that renders the information confidential or privileged. A motion based on the need to consider with an attorney employed by the board the handling or settlement of a lawsuit will identify the parties in the lawsuit.

E. MINUTES

The board will keep minutes of all closed sessions. The minutes of the board must include a general account of the closed sessions so that a person not in attendance will have a reasonable understanding of what transpired. Minutes of a closed session are public records; however, such minutes may be withheld from public inspection as long as

public inspection would frustrate the purpose of the closed session. The minutes of a closed session shall be available if, after consultation with the board attorney, the board chair and superintendent determine that releasing the minutes will not frustrate the purpose of the closed session.

F. CONFIDENTIALITY OF INFORMATION

It is the intent of the board that all information received or discussed by the board in a closed session remain strictly confidential and not be disclosed to any person, unless pursuant to the direction of the board or a court order. Individual board members shall not report publicly on the details of any discussion held in closed session, unless otherwise required by law.

Legal References: G.S. 143, art. 33C

Cross References: Board Committees (policy 2230), Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: 11 Jan 2010

All meetings of the board of education, except closed sessions, will be open to representatives of the news media. Mechanical devices may be used during meetings to record, broadcast or photograph board meetings if they do not interfere with the ability of the board to conduct its business.

The placement and use of any equipment necessary to broadcast, film or record a meeting may be regulated by the board to prevent undue interference with the meeting, but not in such a way as to frustrate the coverage of the meeting.

If a meeting room is too small to accommodate all of the personnel and equipment necessary to broadcast, film or record a meeting, the board may require equipment to be pooled. If the news media request an alternate meeting place in order to facilitate news coverage and the board grants the request, the news media making the request are responsible for paying any additional costs that may be involved in securing an alternate site. The board must act in good faith in carrying out these provisions.

If the board holds a meeting by conference telephone call or similar means, it will provide some means for members of the public to listen to the meeting. Notice of an electronic meeting must specify how public access will be provided. The board may charge each listener a fee of up to \$25.00 to defray the costs.

Legal References: G.S. 143-318.11, -318.13, -318.14

Cross References: News Media Relations (policy 5040)

Adopted: 11 Jan 2010

The superintendent acting as secretary of the board, in consultation with the board chairperson and other members of the board as deemed necessary, will prepare a proposed agenda for each board meeting. A request by a citizen to have an item of business placed on the agenda must be received at least one week before the meeting. (See also policy 2310, Public Participation at Board Meetings, regarding agenda requests by individuals or groups.) Items may be added to the proposed agenda at the beginning of each meeting by the chair, any board member and/or the superintendent.

Each board member will receive a copy of the agenda at least twenty-four hours prior to the meeting, and the agenda will be available for public inspection and/or distribution when it is distributed to the board members. Any new policy or budgetary items presented as an addendum to the published agenda are not subject to action at the same meeting.

Legal References: G.S. 115C-36

Cross References: Duties of Officers (policy 2210), Public Participation at Board Meetings (policy 2310), Advance Delivery of Meeting Materials (policy 2335)

Adopted: 11 Jan 2010

At least 24 hours prior to each regular or special board meeting, the superintendent shall provide the following materials to each board member:

1. the proposed agenda;
2. minutes of previous meetings that have not been approved; and
3. any supporting information or materials that would assist board members to become informed of the issues proposed for board consideration.

The superintendent shall provide each board member with adequate data and other information to assist the board in reaching sound and reasoned decisions prior to requesting or recommending that the board take any action. Board members are expected to read the information provided and when necessary, board members should contact the superintendent or other appropriate staff to request additional information.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)

Adopted: 11 Jan 2010

Except as otherwise provided by law or by the policies of the board, meetings of the board will be conducted in accordance with *Robert's Rules of Order, Newly Revised*.

The chairperson is authorized to entertain and rule on questions concerning parliamentary procedure and to seek counsel of the board attorney when necessary to clarify or construe any relevant procedural provision.

Legal References: G.S. 143-318.12

Cross References:

Adopted: 11 Jan 2010

In order to conduct official business at a regular or special meeting, a quorum of the board must be present. Accordingly, any board member that is not able to attend a meeting must notify the board chair or the vice-chair if the board chair will not be present. In the absence of a quorum, the only actions that can be legally taken include fixing the time to adjourn, recess or measures to obtain a quorum.

A quorum is defined as one more than half of the actual members of the board. If a board member must leave a meeting prior to adjournment, he or she must notify the chair or acting chair as soon as possible but not later than the beginning of the meeting. A member that leaves the meeting without being excused by majority vote of the remaining members present is counted as present for purposes of determining whether a quorum has been convened. If a quorum is not present at any meeting, the chairperson will postpone the meeting until such time as a quorum can be present, provided adequate notice is given pursuant to the Open Meetings Law.

Proxy voting will not be recognized by the board. Members of the board may, however, vote and otherwise participate in meetings by means of contemporaneous telephonic or other electronic participation. A member so participating shall be counted present for the purposes of convening a quorum. The board secretary shall ensure the minutes reflect any electronic participation. Any board member wishing to participate in this manner should advise the board chairperson and superintendent as soon as possible to facilitate arrangements and avoid delays of the board's business. If the board initiates contact after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

The superintendent shall ensure that adequate facilities and equipment for telephonic or other electronic participation are furnished for board meetings, when necessary, and shall take measures to ensure the authentic identity of any remotely located participants. The telephonic or other means of electronic participation shall be made audible and/or visible, as appropriate, to all those entitled to be present at any meeting where a member participates in this manner.

Legal References: G.S. 143-318.12, -318-13

Cross References:

Adopted: 11 Jan 2010

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

A board member must vote on all issues unless the member has a conflict of interest or is unable to remain impartial in a judicial matter before the board. If a board member recuses himself or herself from a vote, the member will state the reason before the vote is taken and the reason will be recorded in the minutes.

No secret ballots are permitted. If the board decides, by majority vote, to vote by written ballot, each member must sign his or her ballot, and the ballots must be available for public inspection in the superintendent's office immediately following the meeting and until the minutes are approved. The minutes of the meeting must specify the vote of each member's written ballot. The ballots may be destroyed after the minutes of the meeting have been approved.

Legal References: G.S. 143-318.13; *Crump v. Board of Education*, 93 N.C. App. 168, *aff'd*, 326 N.C. 603 (1990); N.C. Attorney General Advisory Opinion, 54 Op. Att'y. Gen. 86 (1985)

Cross References: Board Member Conflict of Interest (policy 2121)

Adopted: 10 December 2012

The Whiteville City Board of Education reserves to itself the functions of developing and revising policies for the school system. The formation and adoption of policies will constitute the primary method through which the board exercises its leadership in the operation of the school system.

Legal References: G.S. 115C-36

Cross References:

Adopted: 11 Jan 2010

Any board member, individual, group of citizens, student, or employee may initiate proposals for new policies or changes to existing policies. The initiator must refer the suggestions to the superintendent for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed policies, the board chair and/or the superintendent or designee shall seek input from the board attorney, other professionals, school system personnel, parents, students and citizens.

The superintendent or designee shall be responsible for putting policy recommendations into acceptable written form for further deliberation and/or action by the board. The superintendent or designee shall be responsible for maintaining the policy manual.

Legal References: G.S. 115C-36

Cross References:

Adopted: 11 Jan 2010

Policies may be proposed for adoption, amendment or repeal at any board meeting by any member of the board or by the superintendent. A request to place the proposed policy on the agenda must be made in accordance with board policy.

Policies introduced and recommended to the board will not be adopted until a subsequent meeting. Thus, time will be given to permit further study and also to present an opportunity for interested parties to react. However, temporary approval with an effectiveness end date may be granted by the board in lieu of formal policy to meet emergency conditions or special events that will take place before formal action can be taken. The policy will not be deemed permanent unless it is approved under the formal procedures set forth below.

During discussion of a policy proposal, the views of the public, parents, students and staff will be considered. Board members may propose amendments. An amendment will not require that the policy go through an additional reading except as the board determines that the amendment needs further study and that an additional reading would be desirable. The board must adopt by majority vote, and the superintendent must record the policy in the minutes of the board meeting in order for the policy to be considered official board policy.

The board will adhere to the following procedure in amending, adopting or repealing policies:

1. First meeting-the policy proposal will be presented as an information item. If revisions are requested at this first reading, they will be made and sent to the board members within ten (10) working days.
2. Second meeting-the policy proposal will be presented for a second reading, discussion, and final vote or by a majority vote, the board may delay action when the board feels the need to allow more time for study or public input before a final vote.

Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

No policy formally adopted by the board of education may be revised or rescinded except by majority vote of the board as a whole in accordance with policy 2342, Voting Methods.

Legal References: G.S. 115C-36

Cross References: Board Meetings Agenda (policy 2330), Voting Methods (policy 2342), Policy Review and Evaluation (policy 2440)

Adopted: 11 Jan 2010

DISSEMINATION AND PRESERVATION OF POLICIES

Policy Code: **2430**

The superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board and any accompanying administrative procedures or memoranda.

All policies adopted by the board of education will be maintained in a policy manual that will constitute a public record and that will be open for inspection at the board of education offices during regular office hours. In addition, the superintendent shall ensure that all board members and employees have convenient access to copies of the policy manual.

All policy manuals distributed in hard copy and/or electronic media remain the property of the board, will be deemed to be "on loan" to any person or organization, and are subject to recall at any time deemed necessary for purpose of amendment, rescission or recodification.

Legal References: G.S. 115C-36

Cross References:

Adopted: 11 Jan 2010

The board assigns to the superintendent the responsibility of continued review and evaluation of the policies adopted by the board and of bringing to the board's attention the need for adopting, amending, updating or rescinding any particular policy.

The superintendent has the authority to make to any existing policies technical and conforming changes necessitated by changes in state and federal law. Such changes are effective immediately subject to ratification by the board at its next regular meeting.

The superintendent is responsible for the dissemination of updated, revised and newly adopted policies to all holders of policy manuals and for recalling all manuals if necessary for updating or recodification.

Legal References: G.S. 115C-36

Cross References: Adoption of Policies (policy 2420)

Adopted: 11 Jan 2010

SUSPENSION OF BOARD POLICIES

Policy Code:

2450

The operation of any section or sections of board policies not established by law or contract may be suspended temporarily by a majority vote of board members present at a board meeting held in compliance with law and board policy.

Legal References: G.S. 115C-36

Cross References:

Adopted: 11 Jan 2010

The board of education delegates to the superintendent of schools the power to act in cases in which the board has not provided policy statements to guide administrative action. In such situations, the superintendent shall use his or her best judgment to arrive at a decision. The actions of the superintendent made under this policy are expressly subject to review and reversal by the board. The superintendent shall inform the board promptly of such action and of the need for policy.

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

Cross References:

Adopted: 11 Jan 2010

The superintendent shall develop any administrative procedures necessary to implement board policies.

In developing procedures, the superintendent should consult, as appropriate, with principals and other school system personnel, parents, students, the board attorney, and other professionals and citizens. The superintendent may establish formal administrative procedures or use less formal documents, such as memoranda, so long as the documents are preserved and disseminated in accordance with board policy. The superintendent shall notify and fully inform the board of all new administrative regulations and of any changes in existing regulations in advance of their implementation. The board may review an administrative procedure at any time and direct the superintendent to modify, expand or omit the procedure. The board will formulate and adopt administrative procedures when needed to implement adopted policies.

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

Cross References: Dissemination and Preservation of Policies (policy 2430)

Adopted: 11 Jan 2010

All principals and school personnel are encouraged to initiate improvements to the educational program and services for students through school rules, standards and procedures. Unless specifically addressed by the board, the superintendent may determine what matters will be addressed through administrative procedures developed in accordance with policy 2470, Administrative Procedures, and what matters may be addressed through school rules, standards or procedures established by the principal.

Principals are responsible for school rules, standards and procedures and are encouraged to involve staff, parents, students, professionals and citizens as appropriate to the issue.

At any time, the board or superintendent may review and direct the principal to modify, expand or omit a school rule, standard or procedure. All rules, standards or procedures must be consistent with applicable policies of the board, the administrative procedures of the superintendent, and any other applicable laws and regulations.

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

Cross References: Dissemination and Preservation of Policies (policy 2430), Administrative Procedures (policy 2470)

Adopted: 11 Jan 2010

The board is guided by generally accepted standards of fairness in establishing processes for hearings before the board. Given the board's considerable responsibilities for overseeing the educational program and operations of the schools, the board also strives to be efficient in carrying out its various functions, including conducting hearings.

Unless other hearing processes are required by law or board policy, the following procedures will apply in board hearings. The board reserves the right to modify the procedures described in this policy as necessary in any particular hearing in order to be fair and efficient, in order to meet legal requirements or for any other reason the board deems sufficient.

1. A hearing will be open to the public unless a closed session is permitted by law.

It is the express policy of the State and this board to make hearings open to the public except for certain purposes specified in the Open Meetings Law.

Grievance appeals pursuant to policies 1740/4010, Student and Parent Grievance Procedure, and 1750/7220, Grievance Procedure for Employees, typically will be heard in closed sessions in order to prevent the disclosure of confidential information. Closed sessions will be conducted in accordance with policy 2320, Compliance with the Open Meetings Law.

The board will consider requests made by a parent, student or employee to conduct a hearing in open session that is permitted by law to be held in closed session. However, the board will make the final determination of whether a hearing will be held in open or closed session.

2. The superintendent is responsible for providing sufficient notice of the time and place that a hearing will be held and the nature of the hearing that will be available.

In order to resolve complaints expeditiously, board hearings will be scheduled as promptly as possible and notice given to the parties. The superintendent should provide as much notice as is feasible given the particular circumstances. The superintendent shall provide a copy of this policy and, when possible, specify time limitations on the oral presentation if different from what is provided in number 5 of this policy.

3. Individual hearings will be held unless the board determines that a group hearing would be a more effective process for hearing and addressing the matter.

When two or more individuals share the same or a similar concern or are involved in the same matter to be heard by the board, the board may consider whether to conduct a group hearing. The board may consider factors such as generally accepted standards of fairness, the need for efficiency and the ability to prevent the disclosure of confidential information. The board will consider requests for group or individual hearings and will

make the final determination.

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

The superintendent shall confer with the chairperson of the board to determine whether the full board or a panel of the board will conduct a hearing. The board also may establish a panel to hear certain types of appeals, such as student grievances.

5. All parties involved in the hearing may submit written position statements and will be given the opportunity for a limited oral presentation.

Written statements may be submitted at the hearing or in advance of the hearing unless otherwise specified. All parties will be given the opportunity to address the board orally as well. The board may establish time limitations for oral presentations for different types of hearings or may set the time limitation for a particular hearing. Unless a different time frame is established in the notice, in applicable board policies or at the hearing, each party will be offered 15 minutes to present his or her position to the board.

6. The board may limit oral presentation to be made by the parties themselves; other witnesses may be excluded.

The board believes that in most instances, permitting the parties to speak before the board enables a fair presentation of the parties' positions. The board may designate types of hearings in which parties may or may not be represented by legal counsel. Any individual intending to be represented by legal counsel must notify the superintendent in advance of the hearing so that there will be an opportunity to clarify whether legal counsel may be used and to provide the superintendent and board the opportunity to be represented by legal counsel. If necessary, the meeting may be rescheduled to enable the board and/or superintendent to secure legal counsel for the hearing.

7. Legal rules of evidence do not apply to information considered by the board.

The board may consider any information that a reasonably prudent person would consider in conducting the serious affairs of a business.

8. In reviewing any appeal of a decision of school personnel, the board will determine whether the administrative record as a whole provides sufficient evidence to justify the decision of the superintendent. New evidence will not be permitted unless necessary to prevent a threat of substantial unfairness.

The board will review the administrative record, including any administrative proceedings, and will provide an opportunity for the superintendent and the party contesting the decision to make a limited oral presentation of their positions. The submission of documentary evidence and presentation of additional witnesses will be allowed at the discretion of the board.

9. The superintendent is responsible for making a record of the hearing.

The superintendent shall make any record required by law. At a minimum, the board record will incorporate the administrative record provided to the board for review and any written documents submitted by the parties. The record also will provide the decision of the board and the basis for the decision when such information is required or specified in law or board policy.

Legal References: G.S. 115C-45(c); 143-318.11

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Grievance Procedure for Employees (policy 1750/7220), Compliance with the Open Meetings Law (policy 2320), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Requests for Readmission of Students Suspended for 365 Days or Expelled (policy 4362), School Administrator Contracts (policy 7425), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: 11 July 2011

As situations demand, the board may utilize consultants from various fields, including architects, personnel consultants and instructional/educational consultants. In each case, the board will advertise for proposals as required by law or as deemed necessary by the board and will enter into a written contract with the consultant selected, outlining the specific objectives, the tasks to be performed, procedures to be used, the target dates for completion, evaluation procedures, the method to be used in reporting results and/or delivering products to the board and any other relevant terms.

The school board attorney shall prepare and/or review contracts for these services.

Legal References: G.S. 115C-47

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Facility Design (policy 9020), Supervision of Construction Contracts (policy 9130), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted: 11 Jan 2010

The board will annually enter into contracts for legal service to the school system, including both legal advice and representation in litigation, as needed. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney following procedures established by the superintendent.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney's replies will be reported to all board members. The chairperson of a board committee may consult with the board attorney on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.

Legal References: G.S. 115C-36

Cross References:

Adopted: 11 Jan 2010

GOALS AND OBJECTIVES OF THE EDUCATIONAL PROGRAM

Policy Code:

3000

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

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

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

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

These goals and objectives of the educational program will be used to guide administrators,

teachers and the board in all of their duties, including curriculum development, selection of materials and issues related to instructional time.

Legal References: G.S. 115C-12(32), -12(38), -36, -47, -81; State Board of Education Policies GCS-F-016, GCS-L-006

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

Adopted: 10 December 2012

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

A. CURRICULUM DEVELOPMENT

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

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

B. CURRICULUM MODIFICATION BY INDIVIDUAL SCHOOLS

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

If a school official wishes to modify the curriculum, he or she shall submit a proposal to the central curriculum committee. Unless the curriculum committee has significant concerns about the proposal, the committee will approve the changes so long as the curriculum maintains continuity. After being approved by the curriculum committee, the proposal must be submitted to the board for approval as a part of the school improvement plan process if the modifications include: (1) expanding or reducing the subject areas or objectives; (2) eliminating subject areas or objectives not required by the state; or (3) waiving local board policies. The curriculum committee shall ensure that the curriculum continues to be aligned with the current statewide instructional standards.

C. EVALUATION

The superintendent shall ensure that the methods for meeting curriculum objectives are regularly evaluated for their effectiveness.

Legal References: G.S. 115C-47, -81

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

Adopted: 13 January 2014

CONCURRENT ENROLLMENT AND OTHER CURRICULUM EXPANSIONS

Policy Code:

3101

In support of policy 3100, Curriculum Development, and the board's encouragement of expanded curriculum development, the board adopts the following requirements for students enrolled in the school system who also wish to enroll in classes taught by a college, university, community college or other approved entity, or to take distance learning, on-line, correspondence or independent study courses.

A. GENERAL REQUIREMENTS

1. The superintendent shall develop procedures and requirements for awarding high school credit toward graduation for such courses. Credit towards graduation will be granted only for courses that are consistent with policies and standards of the school system and State Board requirements, including the requirements of State Board of Education Policy GCS-M-001, which defines "Course for Credit."
2. The principal must approve the course in advance. Prior to granting approval, the principal shall determine whether the course to be taken will earn credit toward graduation in accordance with the procedures and requirements developed by the superintendent.
3. The parent or guardian of the student must give permission for the student to take the course, and the student must complete any forms required by the school system.
4. A current member of the high school faculty must supervise a student enrolled in an on-line, dual enrollment or correspondence course or in independent study work. The level of supervision will vary depending on the option and may range from coordinating registration to providing instructional support.
5. Each course provider must be accredited by the Southern Association of Colleges and Schools or its regional equivalent. This requirement does not apply to courses approved for credit by the NC Virtual Public School.
6. Enrollment of a student in a course is the responsibility of the student and his or her parent. Except as provided elsewhere in this policy, all special fees and charges and any special transportation needs are the responsibility of the student and parent or guardian.
7. To receive credit towards high school graduation, the school at which the course is offered must provide such essential information as is generally included in official transcripts of school records. This information includes:
 - a. a description of the content and subject matter covered;

- b. the number of clock hours of instruction in the course; and
- c. the student's achievement or performance level in the course.

In addition, a syllabus that includes course goals, objectives, course activities and grade requirements must be provided.

8. In the case of independent study credit, the designated teacher shall provide the above information.
9. The student also must meet any other requirements established by the superintendent.
10. Credit will not be awarded for school bus driving or for office, teacher or laboratory assistance.

B. NORTH CAROLINA VIRTUAL PUBLIC SCHOOL; LEARN AND EARN ONLINE COURSES (E-LEARNING)

The superintendent shall develop additional procedures and requirements consistent with State Board requirements and this policy for students enrolling in the North Carolina Virtual Public School or in Learn and Earn Online Courses available through the UNC system and/or community colleges. The superintendent shall design the processes and procedures for enrollment and management of e-learning to foster an environment where students can be successful. To the extent that these e-learning courses are made available, they will be provided at no cost to the student or his or her family.

E-learning courses must meet State Board requirements to qualify for course credit. Enrollment in an e-learning “for credit course” will count toward satisfying the local board’s requirements related to minimum instructional days, seat time policies, and student attendance, athletic and/or extracurricular obligations.

C. LEARN AND EARN PROGRAM

The board supports the Learn and Earn Initiative, which is intended to create rigorous and relevant high school options that provide students with the opportunity and assistance to earn an associate degree or two years of transferable college credit by the conclusion of their last year in high school. The superintendent shall ensure that the program targets high school students who are at risk of dropping out of school before attaining a high school diploma or who would benefit from accelerated academic instruction, or other student populations targeted by the State Board for such programs.

The superintendent shall develop procedures consistent with this policy and the terms of the agreement governing operation of the program. Such procedures must include eligibility requirements and requirements for earning high school course credits.

D. OTHER CONCURRENT (OR DUAL) ENROLLMENT IN POST-SECONDARY INSTITUTIONS

In addition to the general requirements in section A of this policy, students not participating in an early college program may enroll concurrently in appropriate courses in a post-secondary institution of higher education (college, university or community college) and the local high school under these conditions:

1. Student Eligibility
 - a. Students must be at least 16 years of age at the time of enrollment.
 - b. Students must be recommended by their high school principal and, for students enrolled in a community college, approved by the president of the college.
 - c. Students must meet the same prerequisite and course admission requirements as adult students.
 - d. Students may enroll only in courses that are not available at the student's school of attendance and not offered at another school within the school system.
 - e. The principal must certify that the student will be enrolled in high school courses for one-half of the school day and is making appropriate progress toward graduation. For courses offered in the summer, students must have been enrolled in high school courses for one-half of their school day during the preceding year and must be making appropriate progress towards graduation. For purposes of this policy, adequate progress towards graduation means that the student has passed the minimum number of credits required each year to meet graduation requirements.
2. Course Credit
 - a. College credit will be awarded to high school students upon successful completion of each course in accordance with the policies and requirements of the college.
 - b. High school credit will be awarded in accordance with the procedures and requirements developed by the superintendent.
3. Expenses

Students are responsible for payment of tuition, fees, transportation and other costs incidental to their enrollment in a post-secondary institution, except that high school students are exempt from paying tuition for courses (except continuing education

courses) taken at a community college. Textbooks, materials, fees and supply costs for courses taken at a community college are the responsibility of the student.

E. COURSES OFFERED THROUGH COOPERATIVE AGREEMENT WITH COMMUNITY COLLEGE (HUSKINS BILL PROGRAM COURSES)

The superintendent is authorized to enter annually into a cooperative agreement with the local community college to allow high school students to enroll in college-level courses as part of their regular high school course of study. Such agreements must comply with the requirements of the State Board of Education and the North Carolina State Board of Community Colleges.

1. Student Eligibility

- a. To participate, a student must be in grades 9 through 12 and be recommended for enrollment by the principal of the high school.
- b. Students must meet the same prerequisite and course admission requirements as adult college students.

2. Course Credit

- a. The award of college credit to high school students upon successful completion of each course will be in accordance with the policies and requirements of the local community college.
- b. High school credit will be awarded in accordance with the procedures and requirements developed by the superintendent.
- c. Credits received for Huskins Program courses will be counted in the grade point average at the high school and will be included in class rank calculations.

3. Expenses

- a. When applicable, students are responsible for payment of tuition, fees, transportation and other costs incidental to their enrollment in a post-secondary institution, except that high school students are exempt from paying tuition for courses (except continuing education courses) taken at a community college.
- b. Textbooks, materials, fees and supply costs for courses taken at a community college are the responsibility of the student.

4. Course Eligibility

- a. The superintendent shall authorize appropriate staff to work with the local community college to determine Huskins Program course offerings.
 - b. Students may enroll only in courses that are not otherwise available in any system high school. Huskins Program courses may not duplicate or substitute for any high school courses currently offered in the system.
 - c. Developmental courses will not be offered.
5. Students with Special Needs

The school system and the local community college will collaboratively determine the accommodations to be provided by each entity to a student with special needs.

F. COMMUNITY COLLEGE ENROLLMENT OF INTELLECTUALLY GIFTED AND MATURE STUDENTS UNDER 16 YEARS OF AGE

Intellectually gifted students under the age of 16 may enroll in a community college under the following conditions:

1. Student Eligibility
 - a. The student must be identified as intellectually gifted and having the maturity to justify admission to the community college;
 - b. The student must receive written recommendation and approval from the Superintendent;
 - c. The student must meet course prerequisites and state-designated criteria for aptitude and achievement test scores; and
 - d. The community college president must approve the student's enrollment.
2. Expenses

Students enrolled under this section must pay required tuition and fees as well as transportation and any other costs incidental to their enrollment.
3. Credit

Credits awarded will not be counted toward the required credits for high school graduation as defined by the North Carolina State Board of Education.
4. Other

- a. Students are not eligible to enroll in occupational extension courses.
- b. When on the community college campus, students under the age of 15 must be accompanied at all times by a parent or another adult whom the parent has designated in writing.

The superintendent shall develop procedures consistent with this policy and policies of the State Board. Such procedures must include any additional eligibility requirements and requirements for earning course credits.

Legal References: G.S. 115C-36, -47, -81; 115D-1.1[expired], -5(B), -20(4); 16 N.C.A.C. 6D .0503; 23 N.C.A.C. 2C .0305; State Board of Education Policies GCS-F-016, GCS-L-004, GCS-M-001, GCS-N-004, GCS-T-000

Cross References: Curriculum Development (policy 3100), School Calendar and Time for Learning (policy 3300), Extracurricular Activities and Student Organizations (policy 3620), Attendance (policy 4400)

Adopted: May 11, 2010

The board recognizes that online instruction is a valuable tool for affording students extended educational options. The board will provide opportunities for students to participate in online instruction to the extent that it is academically and financially prudent.

School guidance counselors shall advise students on North Carolina Virtual Public School courses and other online courses available for credit. Enrollment in an online for credit course will count toward satisfying board requirements related to minimum instructional days, seat time policies, student attendance, and athletic and/or extracurricular obligations.

A student, with the principal's prior approval, may enroll in an online course with assistance from the school e-learning advisor. The principal shall designate a guidance counselor at the school to serve as the e-learning advisor, who will be responsible for coordinating the enrollment of students in online courses, monitoring students' progress in those courses, and supervising any required testing. In addition, the principal shall ensure that the e-learning advisor implements a plan for supporting credit recovery students throughout the semester.

The superintendent shall develop regulations consistent with State Board of Education requirements and this policy for students enrolling in online instruction.

Legal References: 2011 Session Law Chapter 145 Section 7.22 (h)(2); State Board of Education Policy GCS-M-001

Cross References: Dual Enrollment (policy 3101)

Adopted: 13 January 2014

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

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

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

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

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

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

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

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

Adopted: 13 January 2014

Curriculum and instructional guides must be developed as necessary to support the Standard Course of Study; policy 3000, Goals and Objectives of the Educational Program; and any other expanded objectives or subject matters approved by the board. State curriculum guides must be followed when mandated by state law.

A. DEVELOPMENT/MODIFICATION OF GUIDES

The curriculum committee shall develop new guides and/or modify existing guides that are to be used system-wide.

Individual schools may modify the curriculum and instructional guides as a part of the school improvement plan. Any modifications must be approved by the curriculum committee to ensure the continuity of the educational program.

B. USE OF GUIDES

Curriculum and instructional guides are to serve as a framework from which a teacher will develop units of study, individual lesson plans and approaches to instruction that will serve the students' needs.

The guides will be used to map the logical sequence of instruction. Teachers are expected to follow the sequence in subjects, such as reading and mathematics, in which sequence is important.

Teachers must follow the content of the curriculum and instructional guides. Teachers are expected to use their professional judgment in determining the most effective methods for implementing the guides.

The principal shall ensure that teachers have access to curriculum and instructional guides.

Legal References: G.S. 115C-36, -47, -81

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

Adopted: May 11, 2010

Instructional delivery plays a crucial part in the attainment of educational goals and objectives. Well-prepared lesson plans help ensure superior delivery of the curriculum program.

Each teacher shall prepare daily lesson plans based on the North Carolina Standard Course of Study and applicable curriculum and instructional guides developed by the school system. The following criteria should be followed regarding lesson plans:

1. Daily lesson plans should be accessible to the school principal at any time during the school day. In the event the teacher is absent, the substitute shall be provided a copy of the lesson plan.
2. Teachers shall maintain lesson plans for one year in order to allow the teacher and supervisory staff the opportunity to assess instructional delivery and evaluate whether there are gaps in the curriculum.
3. When planning lessons, teachers must consider:
 - a. specific outcomes and objectives that relate to the curriculum;
 - b. planned activities, instructional strategies and special materials;
 - c. activities to address individual student needs;
 - d. assessment/evaluation criteria; and
 - e. evidence of curriculum alignment and continuity of the instructional program.

Teachers are responsible for seeking clarification whenever they are unsure about the requirements of this policy. Pursuant to the school improvement plan, every full-time assigned classroom teacher must be provided duty-free instructional planning time, with the goal of providing an average of at least five hours of planning time per week.

Principals are responsible for ensuring compliance with this policy. Staff development opportunities should be provided, as necessary, to facilitate compliance.

Legal References: G.S. 115C-47, -105.27, -288, -301.1, -307

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), School Improvement Plan (policy 3430)

Adopted: May 11, 2010

All students are expected to meet state and local academic performance standards. The board acknowledges that heterogeneous grouping usually is the best means of meeting the educational goals of the board. However, the board recognizes that students may differ in the amount of time needed or in the instructional methodology that will best assist them in learning the curriculum. If homogeneous grouping is used, students should be returned to the heterogeneous environment once their needs are met.

If grouping practices are used, the following factors must be considered:

1. the individual student's best opportunity for achievement;
2. the skill level of the student;
3. the most effective instructional climate for the student;
4. the ages and maturity levels of the students in the group;
5. the most effective instructional climate for the group; and
6. the most effective social climate for the group and the student.

Race or sex discrimination will not be tolerated. If homogeneous grouping materially affects diversity, the person proposing such grouping must demonstrate that the benefits of homogenous grouping clearly outweigh the benefits of meeting the board's educational goals of diversity.

The principal has the authority to assign students to classes (see policy 4155, Assignment to Classes), including the authority to group students for instruction in accordance with this policy. However, the principal should include others in this decision-making process. Thus, the principal may solicit recommendations from teachers and review requests by parents considering homogenous grouping. The principal also may evaluate whether the factors that indicated the need for homogenous grouping still exist.

This policy is not intended to alter teachers' discretion to group for instruction within classes. Such ad hoc grouping also may be considered as an intervention strategy to improve student performance. However, ad hoc grouping for daily instruction should not result in a student's being isolated for a major portion of the school day.

Legal References: G.S. 115C-47, -81, -276, -288

Cross References: Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Assignment to Classes (policy 4155)

Adopted: May 11, 2010

The board recognizes the importance of homework in supplementing classroom instruction and furthering the goals of the educational program. Homework reinforces learning and fosters independence, responsibility and self-direction. Homework provides opportunities for parent-school partnership in support of education and it emphasizes the high academic standards of the Whiteville City school system.

Homework assignments should strengthen skills, provide practice in subjects that already have been taught in class and improve a student's ability to work independently. Teachers should take into consideration the differences in financial, educational and technological resources of students and their parents or guardians when making assignments. In addition, the amount of time necessary to complete the tasks should be reasonable in light of the age and maturity of the students and other assignments given to the students.

Principals shall ensure that homework assignments are made in accordance with this policy. Principals are encouraged to involve staff, parents and students in developing standards for appropriate types and amounts of homework for the school or particular grade levels.

Legal References: G.S. 115C-36, -47, -307

Cross References: Goals and Objectives of the Educational Program (policy 3000)

Adopted: May 11, 2010

The board recognizes the importance of having a systematic process for evaluating instructional programs. An evaluation process should identify any need for modifications to the instructional program in order to meet the educational goals of the board and state standards for student achievement.

An effective evaluation process should focus on the educational process as well as the outcomes of instructional programs by including techniques such as the following:

1. testing programs, such as nationally standardized general achievement tests, national standardized tests and criteria reference tests in specific subject areas, and tests administered by other agencies;
2. observations, surveys, interviews, anthologies and portfolios;
3. student records, including school achievement records and dropout records of students;
4. periodic surveys of staff, parents, students and community members; and
5. review by outside professionals such as U.S. Department of Education specialists and specialists from other agencies.

The superintendent is responsible for ensuring that periodic evaluations are taking place and for reporting the results with recommendations to the board of education. Any student surveys used for evaluating the programs must be approved in advance by the superintendent. Instructional programs also may be evaluated and changes implemented as a part of a school's improvement plan, so long as the school continues to comply with all related board policies. The board encourages professional development for teachers and administrators so that changes in the instructional program may be implemented as effectively as possible.

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

Cross References: Goals and Objectives of the Educational Program (policy 3000), Testing and Assessment Program (policy 3410), School Improvement Plan (policy 3430)

Adopted: May 11, 2010

SELECTION OF TEXTBOOKS AND SUPPLEMENTARY MATERIALS

Policy Code:

3200

In order to help fulfill the educational goals and objectives of the school system, the board strives to provide textbooks and supplementary materials that will enrich and support the curriculum while improving literacy and technological skills. Materials also should be representative of the rich diversity of our nation and appropriate for the maturity levels and abilities of the students.

A. SELECTION OF TEXTBOOKS

State-approved textbooks must be used unless the board approves alternative materials. The central curriculum committee or a school through its school improvement plan may submit a request for the use of alternative materials. The request should identify how the committee or school has ensured that the curriculum will continue to be aligned with the standard course of study and to meet the educational goals of the board.

Funds shall be allocated per school according to ADM within the limits of state and local funding. Students shall be provided basic textbooks in accordance with the available funding.

B. SELECTION OF SUPPLEMENTARY MATERIALS

1. Objectives for Selection of Supplementary Materials

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

- a. to provide materials that will enrich and support the curriculum, taking into consideration the individual needs and varied interests, abilities, socio-economic backgrounds, and maturity levels of the pupils served;
- b. to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- c. to provide a background of information that will enable students to make intelligent judgments;
- d. to provide materials representing various points of view so that students as young citizens may develop, under guidance, the skills of critical thinking and critical analysis;

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

2. Process for Selecting Supplementary Materials

The selection of supplemental learning materials for school use will be made primarily at the school level with the involvement of a school media advisory committee. The committee will include media specialists, teachers and instructional support personnel representing various subject areas and grade levels, and parents. Students also should be involved when feasible.

The selection process used by the committee will include: (1) an evaluation of the existing collection; (2) an assessment of the available resource and curriculum needs of the school; and (3) an examination of proposed materials. When examining proposed materials, the committee should consider the following factors:

- a. the material's educational significance and the contribution the subject matter will make to the curriculum and to the interests of the students,
- b. the contribution the material will make to the collection's breadth and variety of viewpoints;
- c. reviews of the material found in standard selection sources and reputable, unbiased professionally prepared selection aids,
- d. recommendations of school personnel and students from all relevant departments and grade levels;
- e. the reputation and significance of the material's author, producer and publisher;
- f. the material's accuracy, clarity, appropriateness, timeliness, permanence and degree of potential user appeal;
- g. the material's artistic, literary and physical quality and format; and
- h. the price of the material weighed against its value and/or the need for it.

3. Materials Brought in by Teachers

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

C. REMOVAL OF OUTDATED SUPPLEMENTARY MATERIALS

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

D. ACCEPTANCE OF GIFT MATERIALS

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

E. CHALLENGES TO TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

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

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C-45, -47, -81, -98, -101; *Impact: Guidelines for North Carolina Media and Technology Programs*, North Carolina Department of Public Instruction (2005); *The Library Bill of Rights*, The American Library Association (1996)

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

Adopted: May 11, 2010

PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL MATERIALS

Policy Code:

3210

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

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 system. 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 current statewide instructional standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media

collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

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

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)

Adopted: February 9, 2015

TECHNOLOGY IN THE EDUCATIONAL PROGRAM

Policy Code:

3220

The board strives to incorporate the use of technological resources into the educational program in order to enhance instructional opportunities, appeal to different learning styles and meet the educational goals of the board.

Schools are encouraged to develop strategies for using technological resources to improve student success. The strategies should be included in the school improvement plan if they require the transfer of funds or otherwise relate to any mandatory or optional components of the school improvement plan.

The superintendent shall develop a local school system technology plan that is aligned with and meets state requirements and submit the plan to the board for approval. The superintendent shall incorporate this plan into school system strategic planning efforts and shall include various stakeholders such as curriculum leaders, teachers, administrators, representatives from technology services and instructional technology, finance and other departments as required. Once the board has approved the plan, the superintendent shall take all steps necessary to receive approval of the plan from the State Board of Education. No state funds may be spent on any aspect of school technology except 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

All technological resources, including computers, software and communication lines, 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, 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 relate to or help to implement the North Carolina Standard Course of Study or the programs of the school system.
2. Technological resources must relate to the current use of learning and instructional management technologies in the school.
3. Technological resources must be compatible with the condition of the network. 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.

B. DEPLOYMENT OF TECHNOLOGY TO SCHOOLS

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

C. TRAINING FOR USE OF TECHNOLOGICAL RESOURCES

Users should be trained as necessary in the effective use of technological resources. Such training should include information related to remote access, virus protection, NC WISE, network and information security, and other topics deemed necessary by the superintendent or technology director. School improvement teams should identify any staff development appropriations for technological training 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-102.6C, -522; 147-33.111; State Board of Education Policy TCS-C-018

Cross References: Professional and Staff Development (policy 1610/7800), Technology Acceptable Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), School Improvement Plan (policy 3430), Integrity and Civility (policy 4310), Public Records – Retention, Release and Disposition (policy 5070/7350), Network Security (policy 6524), Staff Responsibilities (policy 7300), Gifts and Bequests (policy 8220)

Adopted: May 11, 2010

The board provides its students 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 and acknowledging awareness that the school system uses monitoring systems to monitor and detect inappropriate use of technological resources. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuse 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 school system business, and is not otherwise prohibited by board policy or procedure.
2. Under no circumstance 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 of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. 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., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.
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 students' 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 material 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 Internet activity and 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

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers or on the storage mediums of individual devices will be private. The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate files server space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

F. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Each principal may establish rules for his or her school site as to whether and how personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. The school system assumes no responsibility for personal technology devices brought to school.

G. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

1. Students

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (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 online networking profiles in order to prevent the possibility that students could view materials that are not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers)

Cross References: 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: February 9, 2015

Consistent with policy 3225/4312/7320, Technology Acceptable Use, and in an effort to further the school system's objectives, the board of education encourages the use of the Internet as a means of providing accessible, accurate and timely information for employees, students, parents and others in the larger community. The Internet affords the school system the opportunity to communicate with its communities by posting pertinent system and school information on-line. The school system has established its system website on-line at www.whiteville.k12.nc.us. The school system website is the official website of the school system. In addition to this website, individual schools and departments may create system-related school websites. This policy provides the standards that must be followed for development of all system-related websites. Failure to comply with this policy may result in the removal of a web page or website from the Internet.

A. SYSTEM-RELATED WEBSITE

A "system-related website" is any Internet website that is established in one of the following ways:

- a. by school system employees or students on behalf of the system;
- b. by any school within the system;
- c. by any school-sponsored club or organization within the system; or
- d. by students as part of an educational assignment.

Only those websites that are created pursuant to this policy are considered system-related websites. The board does not endorse and is not responsible for websites created by employees, students or others outside of the standards and guidelines of this policy. Students or employees who create personal websites that result in a substantial and material disruption to the school environment may be subject to disciplinary action.

B. STANDARDS FOR WEB PAGE DEVELOPMENT**1. Non-Public or Closed Forums for Expression**

All system-related websites are "non-public" or "closed" forums for expression. This means that the system has control over information on such websites and is not required to allow students, teachers or others to place material on system-related websites. The purpose of system-related websites is to disseminate curriculum-related information; to present the public with information about the system, its schools and its programs; and to provide the community with each school or department's mission, contact information, activities, organizational format and instructional program. System-related websites are analogous to

newsletters from the administration or the individual school. System-related websites are not analogous to a student newspaper or a non-school publication.

2. Administration and Editorial Control

All employees responsible for creating, developing, maintaining, editing or approving a system-related website shall act legally, responsibly and ethically in providing educational resources and information to support the mission and curriculum of the school system. Such persons shall abide by the generally accepted rules of website etiquette, board policy and regulations established by the superintendent.

a. Superintendent Final Authority

The superintendent or designee may delegate authority to place information on a system-related website; however, the superintendent has the final authority to approve or disapprove any information in whatever form on any such system-related websites.

b. School System Official Website

The superintendent or designee has editorial control and responsibility for the content of the school system official website. The superintendent shall appoint a staff member to serve as the web manager/editor of the system website.

c. Individual School Websites

Each school will be provided with a web address, web design software and disk space on the system server. All system-related websites will be housed on the system web server. Each principal has editorial control and responsibility for the content of his or her individual school's official website, subject to review of the superintendent or designee. The principal may appoint a staff member to serve as the web manager of the school's website and a website committee to advise the web manager and principal regarding the content of the school's website. Individual school websites must comply with the additional guidelines provided below.

d. Teacher and Student Websites

Each teacher has editorial control over and responsibility for the content of his or her official website and for the content of his or her students' authorized websites, subject to review by the principal, the superintendent and the board. With the knowledge and written consent of a student's parent or guardian, a teacher may allow a student to create a website within or linked from a school's or teacher's website only for the

following instructional purposes: (1) to teach a student how to create or maintain a website or (2) to facilitate a student's work on school assignments or research projects. No student pages may be posted or made accessible to the general public until approved by the principal or designee.

e. Personal Websites

The school system is not responsible for personal websites or web pages created or maintained by students, employees, parents, groups or organizations. Personal websites or web pages are not considered system-related websites or web pages and are not covered by the provisions of this policy. (For further information regarding personal websites, see section D of policy 3225/4312/7320, Technology Acceptable Use.)

The superintendent may use any means available to request the removal of personal websites or web pages that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

3. Website Appearance and Evaluation

Web page content must be kept current and be maintained regularly. All system-related websites must include the name of the web page author, the date produced or revised, and the e-mail address of the author. The superintendent or designee (for the official system website) or the principal or designee (for individual school websites) must regularly review, proof and evaluate all system-related websites.

4. Copyright Laws

No information or graphics may be posted on websites in violation of any copyright laws or policy 3230/7330, Copyright Compliance. Copyright permission must be obtained for the use of any copyrighted material unless use is permitted as "fair use" under federal law. The superintendent or designee and each principal or designee is responsible for maintaining copies of permission granted for the use of copyrighted material.

5. Links

a. Internal Links

Each page of a system-related website must include a reference and hyperlink to the school system official website home page. In addition, all system-related websites must include a link to this policy and to policy 3225/4312/7320, Technology Acceptable Use.

b. External Links

The superintendent and designee have editorial control over and responsibility for the linking of a system-related website to other sites on the Internet that are appropriate to the mission of the school system. Links to external sites (including externally hosted teacher classroom sites) must be approved by the principal. If required, web managers must obtain permission from external websites before links are established from any system-related website to external websites. To the extent possible, school personnel shall determine the extent to which a secondary site is linked to other sites on the Internet and whether such sites are appropriate for access through the school system websites. Web managers shall periodically check external links for accuracy and appropriateness of content. School employees must report any inappropriate links to the web manager.

Since the school system cannot control the content of other sites on the Internet and their linkages, the following disclaimer statement must be inserted in a prominent position on the official system website, on each school's web page and on other system-related websites that contain links to other websites or web pages that are not system-related websites:

The school system retains control over what links will be placed on system-related websites; however, the linked sites themselves are not under the control of the school system, its agents or its employees. The school system is not responsible for the contents of any linked site, any link contained in a linked site, or any changes or updates to such sites. The school system provides links as a convenience, and the inclusion of any link does not imply endorsement of the site by the school system. The school system reserves the right to remove or restrict any links.

c. Links to Personal Pages

School websites or web pages may not contain links to personal web pages of students or employees or lists of personal web pages.

6. Behavior Standards

When using the Internet, employees and students are responsible for understanding and complying with board policies and administrative regulations, including policy 3225/4312/7320, Technology Acceptable Use; student behavior policies in the 4300 series; and policy 7300, Staff Responsibilities.

7. Accessibility of Website

The web manager/editor, in consultation with the technology director, shall ensure

that the school system website meets required standards to ensure accessibility for persons with disabilities.

C. GUIDELINES FOR INDIVIDUAL SCHOOL WEBSITES

Each school may promote itself by publishing an official school web page on the Internet only via the official school system website. In addition to the standards above, the following standards apply to individual school websites.

1. The content of school web pages must be approved by the school principal.
2. The safety of students and employees must be considered when constructing school web pages. To protect the safety of students and employees, the following precautions must be taken:
 - a. home addresses or telephone numbers will not be listed;
 - b. student e-mail addresses will not be listed;
 - c. photographs of students and student work will be used only with appropriate parental permission and/or as approved for release as directory information under policy 4700, Student Records, and will include only limited information about the student.

The principal or designee is responsible for maintaining records of permission granted for the release of information. The principal should implement other safety precautions, as necessary, to be followed when constructing web pages.

3. To protect a student's rights in his or her intellectual property, if a school or teacher publishes a student's work, a disclaimer should be provided indicating that the work may not be copied or modified in any way.
4. Schools must provide contact information and other general information about the school on the school website, including the school's name, phone number, fax number, grade levels and address, the principal's name and the e-mail addresses of the school administrative team.
5. Graphics used on school websites must be appropriate to the school and should be of a size that will download quickly into a web browser.
6. Schools must keep information presented on their school's web page current, accurate and grammatically correct.
7. The principal or designee must approve all revisions and additions to the school website.

8. Failure to comply with these guidelines or the standards of this policy, as determined by the superintendent or designee, may result in the removal of a school's web page from the Internet.

Legal References: U.S. Const. Amend. I; Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; G.S. 115C-325(e), -391

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Copyright Compliance (policy 3230/7330), Student Behavior Policies (4300 series), Student Records (policy 4700), Public Records – Retention, Release and Disposition (policy 5070/7350), Staff Responsibilities (policy 7300), Personnel Files (policy 7820)

Adopted: May 11, 2010

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

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

A. FAIR USE

1. Unless allowed as "fair use" under federal law, permission must be acquired from the copyright owner prior to copying copyrighted material. Fair use is based on the following standards:
 - a. the purpose and character of the use;
 - b. the nature of the copyrighted work;
 - c. the amount of and the substantiality of the portion used in relation to the copyrighted work as a whole; and
 - d. the effect of the use upon the potential market for, or value of, the copyrighted work.

2. The superintendent or designee shall provide information and training to personnel and students, as appropriate, on the fair use of copyrighted materials, including in the following circumstances:
 - a. single and multiple copying for instructional purposes;
 - b. copying for performances and displays;
 - c. off-air recording of copyrighted programs;
 - d. use of "for home use only" videotapes or DVDs;
 - e. computer software;
 - f. copyrighted materials on the Internet and on-line databases; and

- g. reproduction and loan of copyrighted materials by school media centers.

B. BUDGET

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

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

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

Adopted: May 11, 2010

The board believes that time is a variable in the educational process and that *different* children may need different amounts of instructional time in order to fulfill the educational goals and objectives of the board. The board also recognizes that the school day and school year should be planned in such a manner as to facilitate student learning and to permit an accurate assessment of student achievement in scheduled testing periods. The superintendent shall recommend a school calendar, for the upcoming year, composed of both a student calendar and calendars for ten-month, eleven month and twelve month employees no later than May 15th of each year.

A. INSTRUCTIONAL TIME

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

B. SCHOOL DAY

The length of the normal school day for students shall consist of no less than six hours including a minimum of five and one-half hours of instructional time. The length of the school day may vary from school to school and student to student, if approved by the board of education. In the event of emergencies and acts of God, the length of the normal school day may be shortened.

C. OPENING AND CLOSING DATES

Except for year-round schools or schools under a modified calendar, the opening date for students will not be before August 25 and the closing date for students will not be after June 10.

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

When allowed by law, the board will seek a waiver of the opening and/or closing dates from the State Board of Education if the board determines that a waiver is in the best interest of the students and the school system.

D. SCHOOL YEAR

The school calendar in all schools will be for 215 days and will provide for a minimum of 180 days and 1000 hours of instruction covering at least nine months. A school “month”

is defined as 20 days of instruction. As funding permits, the board may pursue increasing the number of instructional hours or days, at least for those students who need more time to learn the curriculum.

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

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

1. Ten of the days on the calendar will be designated as annual vacation leave days.
2. Ten of the days on the calendar will be designated as holidays, including Veteran's Day if it falls on a weekday.
3. The remaining 195 days are to be workdays for teachers. The total number of workdays for teachers employed for a 10-month term will not exceed 195 days. Those 195 days will be scheduled as follows.
 - a. One hundred and eighty days will be instructional days when students are present. These will be designated as "instructional" teacher workdays.
 - b. Five days will be designated as protected workdays for teachers and media coordinators. One of these days will be at the beginning of the school year and one at the end of each academic quarter. Such days will be protected to allow teachers to complete instructional and classroom administrative duties. No additional tasks will be assigned on those days.
 - c. The remaining 10 days will be "flexible" teacher workdays and may be used by the board, superintendent or school principals to schedule additional teacher workdays or additional instructional days or used for other lawful purposes. Each principal may schedule those days on the school calendar that have not been reserved by the board for other purposes. Before scheduling these days, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled.
 - d. Of the 15 "protected" and "flexible" teacher workdays described in subsections D.3.b and c, the board will designate at least seven days as days on which teachers may take accumulated vacation leave.
 - e. Further, the board may, due to school closings because of inclement weather or other reasons, use any of the "flexible" 10 days designated in

subsection D.3.c above as make-up days for those instructional days that were missed. The board will give teachers at least 14 days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.

- f. Further, if it is unable to schedule student makeup days until after the scheduled end of the school year, the school board may designate some of the “flexible” workdays described in subsection D.3.c above as additional make-up days after the last day of student attendance.
4. If the school calendar requires students to attend on Memorial Day, each principal shall ensure that the significance of Memorial Day is recognized in the school on that day. If students are not scheduled to attend school on Memorial Day, recognition of the significance of Memorial Day will be provided at another time as part of the citizenship curriculum (see policy 3530, Citizenship and Character Education).
5. If the school calendar requires students to attend school on September 17, which is Constitution and Citizenship Day, each principal shall ensure that the signing of the United States Constitution is commemorated in the school on that day. If students are not required to attend school on September 17, the principal shall ensure that Constitution and Citizenship Day is commemorated during the preceding or following week (see policy 3530, Citizenship and Character Education).

Changes in the school calendars during the school year may be made by the superintendent as necessary but shall require board approval at the next regular board meeting.

Legal References: 36 U.S.C. 106(d); G.S. 115C-12(33), -36, -47, -84.2, -105.21(b)(2), -238.31, -288; State Board of Education Policy GCS-G-001

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

Adopted: May 11, 2010

The board recognizes that a reasonable number of well-organized assembly programs are of educational value and that assemblies may be necessary to motivate or supplement classroom work. The board supports the use of assemblies as long as they do not create unnecessary interruption to the instructional program.

The board believes that the following guidelines will increase the educational benefits of assemblies and, therefore, requires that these guidelines be considered by personnel when assemblies are planned and held.

1. Principals must approve school assemblies prior to the date of such programs.
2. Every student should be given an opportunity to participate and attend an assembly program each school year.
3. In order to protect the instructional program, teachers and principals should set definite lengths of time for programs and, if necessary, may arrange a special assembly schedule that is rotated so students do not miss the same academic classes.
4. Assembly programs should be an outgrowth of regular classroom work and/or school activities.

The superintendent will develop regulations to ensure that school assemblies do not interfere with the legally required minimum instructional hours.

Legal References: G.S. 115C-36, -47, -84.2

Cross References:

Adopted: May 11, 2010

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

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

A. AUTHORIZATION OF SCHOOL TRIPS

A school trip occurs when a student or group of students leaves a school campus under the sponsorship of the school and under the supervision of school employees to extend the educational experiences of that student or group. This includes such trips taken by extracurricular groups but does not include trips by athletic teams to participate in athletic events or competitions that are part of the team's regular season or playoffs. The principal must approve all school trips in advance. School trips that involve travel out of state and/or an overnight stay must also receive prior approval from the superintendent or designee. School trips that require travel outside of the continental United States are prohibited. The superintendent shall develop procedures for the request and approval of school trips.

B. PARENTAL NOTICE AND CONSENT

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

C. COSTS

Students must not be charged a fee for any 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 will be waived or reduced for students who demonstrate real economic hardship.

D. STUDENT SAFETY AND DISCIPLINE

Policy 1510/4200/7270, School Safety, applies to all students, school employees, and

volunteers while they are taking part in school trips. Students are also subject to the student behavior policies in the 4300 series, the Code of Student Conduct, and all school rules while participating in a school trip. The superintendent shall develop any additional regulations necessary to ensure student safety, provide adequate supervision, and clarify student behavior standards.

E. TRANSPORTATION AND OTHER ACCOMMODATIONS

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

Any contracts with outside companies to provide transportation, lodging, or other accommodations related to a school trip must be approved in accordance with policy 6420, Contracts with the Board.

The superintendent shall develop any necessary additional regulations governing transportation on school trips.

F. CHAPERONES AND VOLUNTEERS

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

G. NON-SCHOOL SPONSORED TRIPS

A non-school sponsored trip is a trip or tour organized and sponsored by (1) an individual teacher or group of teachers acting as private citizens and not as school employees, (2) a travel agency, or (3) any other individual or association not employed by, sponsored by, or under contract with the board. The board and the school system assume no responsibility or liability for non-school sponsored trips.

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

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

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

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

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

Cross References: School Safety (policy 1510/4200/7270), Goals and Objectives of the Educational Program (policy 3000), Student Behavior Policies (4300 series), Attendance (policy 4400), Student Fees (policy 4600), School Volunteers (policy 5015), Community Use of Facilities (policy 5030), Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240), Use of Student Transportation Services (policy 6320), Contracts with the Board (policy 6420)

Adopted: December 8, 2014

The following regulations shall apply to field trips:

1. When planning school-sponsored trips, provisions must be made for the careful supervision of students. Chaperones are recommended at a 1:15 adult/student ratio. Only pupils whose parents have given their written permission may participate in the field trip activity.
2. Field trips must have the knowledge and approval of the Principal and Superintendent.
3. When overnight trips are necessary, approval of the Superintendent and the Board must be obtained prior to specific planning for the trip.
4. The forms for use in submitting requests to the Superintendent for field trips are provided.
5. In order to more consistently plan and implement meaningful field trips throughout the system, the implementing procedures, which follow shall apply. They are purposefully flexible but comprehensive enough to ensure the safety of students and meaningfulness of field trips.

A. Approval for Field Trips

- 1.) Field trip request forms must be submitted to the Principal and Superintendent for approval before any discussion with students.
- 2.) The request form for an overnight field trip must be submitted to the principal for approval. In turn, the principal must secure approval from the superintendent and Board of Education. Superintendent and Board approval should be requested in ample time to obtain Board approval at a regular meeting before the proposed trip, if applicable.

B. Required Information

The field trip request form and the notification to parents shall include the following information:

- 1.) Destination
- 2.) Time of departure and return
- 3.) Date of trip

- 4.) Cost per student
- 5.) Mode of travel
- 6.) Meal requirements
- 7.) Anticipated educational value of trip
- 8.) An emergency telephone number

6. Parents should be notified of the trip a minimum of two weeks in advance. In addition to the items listed in Item 5 of this regulation, the notice should include:

A. A request for any medical information, which could be needed, including the name of the company through which the student has accident insurance, if not purchased through the school system.

B. Information regarding appropriate attire for the student.

C. A place for the parent's signature giving approval for the student's participation in the activity.

7. *Each* participant in *any* field trip activity must be covered either through insurance purchased through the school system or through comparable insurance carried by the parent. In cases where insurance carried by the parent is to be used, the sponsor *must* secure a signed statement from the parents indicating that the child is covered.

8. No student shall be denied the opportunity to participate in a field trip due to lack of funds. If a student does not have the necessary funds, the teacher should discuss the matter with the principal. The Principal is authorized to use school funds to pay the costs for indigent students; however, the total amount paid with school funds shall not exceed 15% of the total cost of the trip. If more funds are required in order that all students can participate, the trip shall be canceled.

9. All use of charter bus transportation shall be in accordance with the "School Charter Transportation Recommended Guidelines and Procedures," prepared for North Carolina schools by the School Charter Transportation Safety Committee, August, 2001.

A. The pre-qualification background check shall be managed through the system's school bus transportation department.

B. The School Bus Transportation Director will maintain a current list of eligible companies to be used for charter bus service by prequalifying potential providers.

C. The School Bus Transportation Director will be responsible for disseminating and updating the list of vendors.

D. The school principal (or the appropriate central services personnel if the trip is centrally organized) will execute contracts for specific trips. If the contract is executed by a central services staff member and the point of departure is a school, a copy of the contract shall be provided to the school principal serving at the school of departure.

E. The driver must present:

- 1.) A valid commercial driver's license with a "P" (passenger) endorsement,
- 2.) A valid medical certificate,
- 3.) The Driver's Record of Duty Status (log book),
- 4.) Copies of the previous seven (7) days record of duty status for each driver.

F. The principal/designee must use a pre-trip checklist to:

- 1.) Check the vehicle registration card to ensure that the vehicle is authorized to operate in the states of the trip,
- 2.) Ensure that the license plate and VIN # match the registration,
- 3.) See a copy of the DOT annual inspection (sticker or paper), and
- 4.) Accompany the driver on a basic walk-around inspection of the vehicle.

NOTE: The Principal may contact the Director of Transportation to request a school bus mechanic to conduct the walk-around inspection if one is available.

Adopted: May 11, 2010

An evaluation system of students' academic performance is necessary to help ensure that all students are succeeding within the framework of the educational goals and objectives of the board. The board believes that the formal issuance of student evaluations on a regular basis promotes continuous assessment of a student's performance; informs the student, his or her parents or guardians, and the school counselor about the student's performance and progress; and provides a system of notice that allows intervention strategies to be implemented if necessary to improve the student's performance. The board encourages teachers and principals to pursue innovative methods of evaluating progress.

The superintendent or designee shall establish an evaluation system for assessing an individual student's academic achievement and progress relative to benchmarks set for students at that instructional level. Students in kindergarten will be provided progress reports. Students in grades 1 through 12 will be issued report cards. In grading students, the following standards will apply:

- academic grades should not be based on student attitude or conduct;
- in averaging grades, the next highest whole number should be given the student when the grade is one-half or more;
- the principal has the right to change a grade if he/she believes that the grade provided does not accurately reflect the student's work, but should not do so without conferring with the teacher except in the most extenuating circumstances.

The evaluation system should provide for regular communication with parents so that they may be informed and involved in their child's education. The reports issued to parents shall be clear, concise and accurate. Teachers should provide meaningful comments on reports to parents when possible. Teachers shall request conferences with parents when the child is not performing at satisfactory level. Teachers shall comply with policy 3405, Students At-Risk of Academic Failure.

Teachers shall evaluate student performance and keep accurate records in order to substantiate a grade or assessment given in a course. Teachers shall offer sufficient tests, assignments and written work to substantiate the grade given to each student. No student will be graded on less than four samples of work in a nine-week grading period.

Legal References: G.S. 115C-47, -81

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Students At-Risk of Academic Failure

Adopted: May 11, 2010

EVALUATION OF STUDENT PROGRESS - Regulations

Regulation Code: **3400-R**

The following regulations shall apply to examinations:

1. The Board requires that final examinations be given in all classes in grades nine through twelve.
2. Students shall not be required to take more than two examinations in one day.
3. All students in grades 9-12 are required to take first and second semester exams with the exception of those seniors who are eligible for graduation may be exempted from second semester exams if their yearly average is 90 or above except in courses with state end-of-grade tests.
4. The examination period, including the night before exams begin, shall be free of any school activities, games, and/or practice sessions.

Adopted: May 11, 2010

It is the goal of the board that all students will make adequate academic progress each year and thereby acquire the skills necessary for secondary education and career success. To realize this goal, students who are at risk of academic failure and who are not successfully progressing toward grade promotion and graduation must be identified and provided additional assistance. The principal or designee is responsible for ensuring that teachers identify students at risk and that those students receive assistance in compliance with G.S. 115C-105.41.

A. PERSONAL EDUCATION PLANS

Identification of students at risk of academic failure must occur as early as reasonably may be done beginning in kindergarten. In addition, no later than the end of the first quarter or after the teacher has had up to nine weeks of instructional time with a student, a personal education plan with focused intervention and performance benchmarks for academic improvement must be developed or updated for each student at risk of academic failure who is not performing at least at grade level.

The principal or designee shall notify the student's parent or guardian that the student has a personal education plan and provide the parent or guardian with a copy of the plan or report card containing the plan. Parents should be included in the implementation and ongoing review of personal education plans.

B. TRANSITION PLANS

Transitions in the school environment can be stressful experiences that pose academic, social, and emotional challenges for students. Addressing students' academic, social, and emotional needs to create successful transitions provides students with a better chance of academic success. A comprehensive and coordinated transition plan will be implemented for students who are at risk of academic failure in order to facilitate their educational transitions between elementary school and middle school and between middle school and high school.

The superintendent shall appoint a transition team to design, implement, and evaluate a school system transition plan. This team will be comprised of stakeholders who can identify the needs of students at the different developmental levels and implement plans that produce positive results for students at risk of academic failure. Such stakeholders may include principals, teachers, support staff and other school system employees, parents of students in the school system, and local business and community leaders such as civic group leaders, health department personnel, preschool and Head Start program personnel, faith community leaders, and personnel from local colleges, universities, and community colleges. At each school, the principal shall lead a school transition team or an existing school-based leadership team in using the school system transition plan to design a school-based transition plan tailored to meet the specific needs of that school's population.

The transition plans should be designed to encourage successful transitions that foster respect for individual differences, encourage understanding of the whole child, create a sense of trust and belonging, and reduce child and family anxiety about school. The plans must include an on-going evaluation process to verify that the outcomes established for the different transition levels are being accomplished and that these goals are updated as student data and environmental changes occur.

Legal References: G.S. 115C-105.41

Cross References:

Other Resources: *Transition Planning for 21st Century Schools*, N.C. State Board of Education/Department of Public Instruction, available at <http://www.dpi.state.nc.us/docs/curriculum/home/transitions.pdf>

Adopted: 13 January 2014

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.

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. TESTS, SCREENINGS, AND ASSESSMENTS

The superintendent shall provide for the secure administration of all state-required tests, screenings, and 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 have discretion to determine whether and how results from the North Carolina common exams will be used in determining students' final grades and whether high school seniors will be exempt from the common exams.

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

B. TEST ADMINISTRATION

The superintendent shall develop test security and administration procedures and shall ensure that all personnel who are responsible for the testing program are instructed in such testing 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 tests and individual school tests. Failure to follow procedures 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.

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) and (3) 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: G.S. 115C, art. 10A; 115C-47, -81, -83.5, -83.6, -174.11, -174.12(a), -174.22, -174.25, -276, -288, -307; 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)

Other References: *Online Assessments Best Practices Guide* (NC DPI, July 2011), available at <http://www.dpi.state.nc.us/acre/assessment/guide/>; *Measures of Student Learning: NC's Common Exams* (NC DPI, March 2013), available at <http://www.ncpublicschools.org/docs/effectiveness-model/measures/implementation-guide.pdf>

Adopted: 13 January 2014

A. PURPOSE

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

B. STUDENT PROMOTION STANDARDS

The superintendent shall develop (1) proposed promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6 *et seq.* and State Board of Education Policies 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, a student must complete the requirements set forth in policy 3460, Graduation Requirements.

D. APPEALS OF PROMOTION DECISIONS**1. Appeal to the Superintendent**

Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only

upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

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

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

2. Appeal to the Board of Education

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

E. 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 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.

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 students exempt from mandatory third grade retention by category of exemption as listed in state law; and
- d. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Report to the North Carolina State Board of Education and Department of Public Instruction

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

3. Publication on the School System Website

Information about the reading performance of third grade students will be posted

on the school system website in accordance with state law.

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 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 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.

Legal References: G.S. 115C-36, -45(c), -47, -81, -83.2, -83.7, -83.8, -83.9, -83.10, -83.11, -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)

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: January 12, 2015

A. PRINCIPLES

Principals, assistant principals, teachers, and other instructional staff at each school are responsible for designing and implementing strategies to reach the educational goals of the board. Input from the school community, including parents, students, and representatives from businesses and other agencies, is critical in developing an educational program that will meet the needs of the students and the community.

The board affirms the General Assembly's belief that all children can learn and that the mission of public schools is to challenge, with high expectations, each child to learn, achieve, and fulfill his or her potential.

Accordingly, the board has established in its policies its vision, standards, and means of accountability for the educational program. The superintendent shall provide guidance and establish any other standards necessary for effective implementation of the board's policies. Principals shall lead each school in implementing the policies. The school improvement plan is one tool that school administrators should use to draw upon the creativity and innovation of the staff and the community. This plan, in its two parts, should identify the school's efforts to improve student performance and reach the educational goals of the board.

B. PART ONE OF THE SCHOOL IMPROVEMENT PLAN: STATE PROGRAM FOR SCHOOL-BASED MANAGEMENT AND ACCOUNTABILITY

The board endorses the principles set forth by the State Board of Education that all children need to master basic skills and knowledge and build upon this foundation for lifelong learning. Therefore, in developing their school improvement plans, all schools should ensure, to the extent possible, that sufficient resources and curricula are directed toward meeting the goal of having all students performing at grade level or higher in the basic subject and skill areas identified by the State Board.

1. School Improvement Team

Each school must have a school improvement team that develops the school improvement plan. The school improvement team will consist of the principal, representatives of the assistant principals, instructional personnel, instructional support personnel and teacher assistants assigned to the school building, and parents of students attending the school. Each group of school personnel shall elect representatives from their respective group by secret ballot. Parents are to be elected in accordance with G.S. 115C-105.27(a). The school improvement team is encouraged to involve and seek assistance from central office personnel. The school improvement team, especially at the middle and high schools, also is encouraged to seek input from students. The superintendent shall provide

guidance to principals to ensure that the principals establish and work together with school improvement teams to develop, review, and amend school improvement plans.

The school improvement team shall follow all legal requirements in developing and obtaining school approval of the school improvement plan. School improvement team meetings will be held at a convenient time to facilitate substantial parent participation. The principal shall ensure that the school improvement team, as a public body, complies with the Open Meetings Law in regard to its meetings. Deliberations on the school safety components of the plan must be in closed session in accordance with G.S. 143-318.11(a)(8).

2. Mandatory Components of the State Plan

A school improvement plan must include the following components.

- a. The plan must specify the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.
- b. The plan must take into consideration the minimum annual performance goal established by the State Board and the goals set out in the mission statement for public schools adopted by the State Board of Education.
- c. The plan must be, to the greatest extent possible, data driven. The team shall use the Education Value Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board of Education to analyze student data to identify root causes for problems and determine actions to address them and to appropriately place students in courses such as Algebra I. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards.
- d. The plan must identify how staff development funds allocated to the school will be used.
- e. The plan must provide a duty-free lunch period for every teacher on a daily basis or as otherwise approved by the school improvement team.
- f. The plan must provide duty-free instructional planning time for every full-time assigned classroom teacher, with the goal of providing an average of at least five hours of planning time per week.
- g. The plan must attempt to identify and eliminate unnecessary and redundant reporting requirements for teachers and, to the extent practicable, streamline the school's reporting system and procedures,

including requiring forms and reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System.

- h. As part of the school system's efforts to maintain safe and orderly schools, the plan must address safety and discipline concerns. These concerns include any special conditions at the school. The plan should include the components of any positive behavior management or positive behavior support programs that have been adopted at the school and should comply with the requirements of policy 1510/4200/7270, School Safety, and all protocols established by the superintendent or designee under that policy.
- i. For schools identified by the Department of Public Instruction as Focus or Priority schools, the plan must identify the interventions the school will implement to address students' academic needs. Such interventions must include strategies to address the needs of all children, particularly the lowest-achieving, and how those needs will be met in a timely and effective manner.
- j. In accordance with policy 1310/4002, Parental Involvement, the plan must identify the goals and strategies for parents to be involved in their child's education and in the educational program of the school.
- k. The plan must include a process by which the school improvement team will review the school improvement plan at least once a year. The annual review process must include (1) a review of student scores on all state- and board-mandated tests and (2) a means for the school improvement team to modify the plan, if necessary, when the school has not met the expected growth score established by the state.
- l. The plan must require the principal to notify the superintendent if the school improvement team modifies a board-accepted school improvement plan.

3. Optional Components of the State Plan

Part One of the school improvement plan may include any or all of the following components.

- a. The plan may include a request for waivers of state laws, rules, or policies. Any waiver request must (1) identify the school making the request; (2) identify the particular state law, rule, or policy that inhibits the school's ability to improve student performance; (3) set out with specificity the circumstances under which the waiver may be used; and (4) explain how the requested waiver will permit the school to improve student performance.

- b. The plan may include a request to transfer state funds from one allotment category to another, as permitted by state law. The request must identify the funding allotment categories involved in the transfer and identify how the transfer will facilitate improving student performance.
 - c. The plan may include a comprehensive conflict resolution plan, as provided in G.S. 115C-81(a4), in order to help create a safe school.
 - d. The plan may provide for the use of textbooks that have not been adopted by the State Board.
4. Development and Review of the Plan

School improvement teams should review student performance data from the preceding school year in developing the school improvement plan. Based on the availability of data and when specific school standards are established by the State Board, the superintendent shall establish the date by which school improvement plans must be submitted.

The principal first shall present the proposed school improvement plan to all of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote by secret ballot. The principal then shall submit the school improvement plan to the superintendent only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

The superintendent or designee shall review the plans and seek legal review as necessary prior to presenting the plans with written recommendations to the board. If the superintendent intends to recommend that a plan be rejected, the superintendent shall notify the principal of the school and explain the reasons for the decision. The school improvement team may then submit a modified plan, approved by staff vote, to the superintendent. The superintendent should submit all school improvement plans to the board at the earliest possible date.

The board will review the school improvement plans. The review of the school safety components of the plans must be in closed session. The board shall make findings on the safety components of the plan. Neither the safety components of the plans nor the board's findings on the safety components of the plans may be set out in the minutes of the board.

After review of the school improvement plans, the board will accept or reject each school improvement plan. If a plan is rejected, the board will explain the specific reason(s) for the rejection.

Any plan modified by the school improvement team after being rejected by the

board must be resubmitted to the school personnel for vote and, upon majority approval, resubmitted to the superintendent for review. The superintendent shall resubmit the modified plan to the board with his or her recommendations as soon as is practical. The board will review the modifications along with any recommendations from the superintendent and accept or reject the plan.

If the board and the school improvement team cannot reach agreement on the plan within 60 days after its initial submission, the board or school may request to use the dispute resolution process developed by the State Board under G.S. 115C-105.20(b)(5). Alternatively, if use of the dispute resolution process is not requested, the board may develop a school improvement plan for the school.

A school improvement plan may be in effect for no more than two years. The plan must be reviewed at least annually by the school improvement team in accordance with the review process established in the school's plan. If a school does not meet its expected growth standard as established by the State Board or if more than 25% of the students performed below grade level, the principal must submit to the superintendent and the board a report of the school improvement team. The report must explain the reasons for the standard(s) not being met and describe any modifications that will be made in the school improvement plan. After considering any recommendations of the superintendent, if the board is not satisfied with the response of the school improvement team, the board may suggest modifications to the plan or may vacate those portions of the plan that impede student performance and require the school improvement team to revise the plan.

5. Elimination of Redundant or Unnecessary Reporting Requirements

If, at any time before or after the board approves the school improvement plan, the school improvement team identifies a more expeditious manner of providing information to the board that will eliminate a redundant or unnecessary reporting requirement for teachers at its school, the team may make a written request to the superintendent to eliminate the redundant or unnecessary report. The superintendent shall recommend to the board whether the reporting requirement should be eliminated for that school. If the superintendent does not recommend elimination of the reporting requirement, the school improvement team may request a hearing by the board as provided in policy 2500, Hearings Before the Board.

6. Compliance with Requirements

Any employee, parent, or other interested party is encouraged to notify the principal of any concerns regarding compliance with this policy or G.S. 115C-105.27. In addition, any employee, parent, or other interested party may submit in writing to the superintendent concerns regarding compliance with this policy or G.S. 115C-105.27. The superintendent shall make a good faith effort to investigate the concern and shall provide a written response upon request.

C. PART TWO OF THE SCHOOL IMPROVEMENT PLAN: LOCAL EDUCATION REFORM INITIATIVES

In addition to the basics emphasized in the state testing program, the board expects schools to be guided by the educational goals of the board. The board encourages the schools to consider innovative means of educating students to meet these educational goals. The board has established a vision, standards, and means of accountability in its educational policies to provide guidance to the schools. Many of these policies provide an opportunity for schools to develop innovative plans as a part of their school improvement plan. Part Two of the school improvement plan should reflect the school's efforts to meet the educational goals of the board.

1. Mandatory Components of the Local Plan

Part Two of the school improvement plan must include the following:

- a. strategies for meeting the educational objectives of the board (policy 3000, Goals and Objectives of the Educational Program); and
- b. intervention strategies for students who are not at grade-level proficiency or who are not likely to meet standards of promotion measured by other means (policy 3420, Student Promotion and Accountability).

2. Optional Components of the Local Plan

The board strongly encourages school employees to be innovative in their efforts to meet local educational goals. Although not limited to these options, the board has encouraged innovation specifically through its policies on the following issues:

- a. modifying the school calendar (see policy 3300, School Calendar and Time for Learning);
- b. implementing alternative scheduling of classes or other strategies intended to reduce transitional time and limit interference from non-instructional activities (policy 3300);
- c. adding hours of instructional time (policy 3300);
- d. providing additional means for evaluating instructional programs (policy 3140, Evaluation of Instructional Programs);
- e. developing and implementing pilot programs (policy 3110, Innovation in Curriculum and Instruction);

- f. expanding the subject areas or objectives of the curriculum (policy 3100, Curriculum Development); and
- g. eliminating curricula on subject areas or objectives that are not state-required (policy 3100).

A school also may submit a request to the board for a waiver of board policies. Any waiver request must identify the particular board policy that inhibits the school's ability to improve student performance, set out with specificity the circumstances under which the waiver may be used, and explain how the requested waiver will permit the school to improve student performance.

3. Process

Part Two of the plan should be submitted at the same time as Part One of the plan. However, a school improvement team may submit a request to the superintendent for an additional month to complete Part Two of the plan. The superintendent may approve the request if the school is working in good faith to complete the plan.

The board will act on the plan at the first meeting in which it is presented, unless further time for review is necessary. The board may accept the plan, with or without modifications, or reject the plan and provide an explanation of deficiencies of the plan. If modifications are required for board approval, the board may either make the modifications or request that the school improvement team make the modifications and resubmit the plan.

If a school improvement team is not satisfied with any modifications made by the board, it may submit to the board alternative modifications for consideration. Until the board acts on the school improvement team's alternative modifications, the modifications made by the board will be in effect.

Part Two of the plan may be in effect for no more than two years. The board encourages the school to evaluate the plan continually. At any time during the two-year period, a school improvement team may submit an expanded or modified school improvement plan for board consideration. Furthermore, at any time during the two-year period, the superintendent and the board may review the plan and the board may take any actions provided in this subsection.

D. POSTING THE SCHOOL IMPROVEMENT PLAN ONLINE

The school improvement plan, except for its school safety components which are not public record, must be posted on the school's website. The names and positions of the members of the school improvement team, along with the date of each member's election to the team, must also be posted on the website.

E. STAFF DEVELOPMENT

The superintendent shall develop a process by which schools can learn from other schools' improvement plans. The superintendent and the schools are encouraged to use staff development resources to provide training to staff on the development, implementation, and evaluation of school improvement plans.

School administrators must be evaluated by their supervisors on the school-based management process as required by board policy and state law and on the effectiveness of the school improvement plan.

Legal References: U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012); G.S. 115C-47(38), -81, -84.2, -98, -105.20, -105.21, -105.25, -105.26, -105.27, -105.32, -105.35, -301.1, -307(g); 143 art. 33C

Cross References: Parental Involvement (policy 1310/4002), School Safety (policy 1510/4200/7270), Compliance with the Open Meetings Law (policy 2320), Hearings Before the Board (policy 2500), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Innovation in Curriculum and Instruction (policy 3110), Lesson Planning (policy 3120), Evaluation of Instructional Programs (policy 3140), School Calendar and Time for Learning (policy 3300), Student Promotion and Accountability (policy 3420)

Adopted: 13 January 2014

To create and maintain a safe, orderly and inviting learning environment, students must have the skills to resolve conflicts in non-violent ways.

All schools are encouraged and any alternative school is required to include a conflict resolution plan in the school improvement plan as provided in policy 3430, School Improvement Plan.

The central curriculum committee shall explore opportunities to integrate conflict resolution skills into the standard course of study and other curricula.

Legal References: G.S. 115C-47, -105.27

Cross References: School Improvement Plan (policy 3430), Alternative Learning Programs/Schools (policy 3470/4305)

Adopted: May 11, 2010

The board strongly encourages programs and activities that recognize and reward excellence in student academic achievement, character and leadership.

A variety of programs, such as honor rolls, honor societies, and citizenship and leadership awards, may be implemented to recognize outstanding student achievement. The board encourages school recognition ceremonies and community recognition ceremonies to honor scholarship and distinguished character and leadership abilities.

Honor rolls and Principals' Lists will be used as means of recognition for academic excellence in grades 3-12. Honor rolls shall not be used in grades K-2.

Awards and scholarships shall be presented during school-sponsored ceremonies under supervision of the principal.

Administrators and teachers are responsible for developing and implementing various means of recognizing student achievement.

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

Cross References: Goals and Objectives of the Educational Program (policy 3000), Class Rankings (policy 3450)

Adopted: May 11, 2010

Class rankings are one method of measuring academic performance. The board also recognizes other means of evaluating student achievement, including grade point average, courses completed, the rigorousness of the curriculum, results of tests and assessments, and recommendation letters.

High school principals may compile class rankings periodically and make the information available to the student, his or her parents or guardians, and other institutions, at the request of the student or his or her parents or guardians. While high school principals may designate a valedictorian and salutatorian, the board encourages principals, with input from teachers, parents and students, to develop alternative or additional means for recognizing academic achievement.

Principals shall ensure that class ranking is computed in a fair and consistent manner with adequate notice to students and parents.

The following information shall be applicable in computing class rank:

1. All courses for which unit credit is granted in grades 9-12 will be used in determining class rank.
2. Class ranking will be done at the end of the academic year for seniors and the end of the first semester for juniors.
3. All students, except those who are in ungraded classes, shall be included in determining rank in classes.
4. Grades earned in another high schools are to be included in computing class rank if that school is accredited either by a state department of public instruction or by a regional accrediting agency such as the Southern Association of Colleges and Schools.
5. Course credit earned in a school not accredited either by a state department of public instruction or by a regional accrediting agency may be accepted by the principal and count toward graduation; however, the grades earned will not be included in computing class rank.

Each year, the superintendent will designate which courses have been identified as Advanced/Honors or Advanced Placement and weighted grades.

The superintendent or principal shall provide written procedures on how students with equal grades, or grades that may be perceived as equal, will be treated. Nothing in this policy provides any legal entitlement to a particular class rank or title. Although the student grievance procedure may be utilized to formally resolve disputes, the board encourages parents, students and principals to informally reach a resolution on any matters related to class rank.

Legal References: G.S. 115C-47, -81, -276, -288; 116-11(10a); State Board of Education Policy GCS-L-004

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Recognizing Excellence (policy 3440)

Adopted: May 11, 2010

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

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

1. successful completion of all course unit requirements mandated by the State Board of Education (see Section A);
2. beginning in the 2014-2015 school year, successful completion of cardiopulmonary resuscitation instruction; and
3. successful completion of all other requirements mandated by the board, as provided in this policy.

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

A. COURSE UNITS REQUIRED

Each student must meet the course unit requirements for one of the following courses of study. Students entering the ninth grade for the first time before the 2009-2010 school year must fulfill the requirements of the Career Prep, College Tech Prep, College/University Prep, or Future-Ready Occupational Course of Study. Beginning with students entering the ninth grade for the first time in the 2009-2010 school year, students must fulfill the requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. Course unit requirements for the Future-Ready Core Course of Study differ depending on the year a student enters ninth grade for the first time.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2012-2013 and Thereafter

Courses Required	State Requirements	Local Requirements
English	4 sequential (English I, II, III, and IV)*	
Mathematics	4 (either Algebra I, Geometry, Algebra II, and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II, and III and a fourth math course aligned with the student's post-high school plans) (A principal may exempt a student from this math sequence. Exempt students will be required to pass either (1) Algebra I and Geometry or (2) Integrated Math I and II. Exempt students also must pass either Alternative Math I and II or two other application-based math courses.)**	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including Civics & Economics; American History Parts I and II OR AP U.S. History and one additional social studies elective; and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)***	
Total Credits	22	

* Students participating in the Career & College Promise program may earn high school credit for college courses ("dual credit") according to the Career & College Promise program guidelines established by the Department of Public Instruction.

** Students seeking to complete minimum application requirements for UNC universities must complete four mathematics courses, including a fourth math course with Algebra II or Integrated Math III as a prerequisite.

*** Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2009-2010, 2010-2011, or 2011-2012

Courses Required	State Requirements	Local Requirements
English	4 sequential (English I, II, III, and IV)*	
Mathematics	4 (either Algebra I, Geometry, Algebra II, and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II, and III and a fourth math course aligned with the student's post-high school plans) (A principal may exempt a student from this math sequence. Exempt students will be required to pass either (1) Algebra I and either Algebra II or Geometry or (2) Integrated Math I and II. Exempt students also must pass either Alternative Math I and II or two other application-based math courses.)**	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	3 (Civics & Economics, U.S. History, and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)***	
Total Credits	21	

* Effective with the tenth grade class of 2011-2012, Early College High School students alternatively may complete college level English courses designated by the State Board in lieu of English III and IV.

** Students seeking to complete minimum application requirements for UNC universities must complete four mathematics courses, including a fourth math course with Algebra II or Integrated Math III as a prerequisite.

*** Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.

3. Career Prep Course of Study Credits Required

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Algebra I)	
Science	3 (including a physical science course, Biology, and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History, and World History)	
Health/P.E.	1	
Career/Technical	4 (courses appropriate for career pathway, including a second-level (advanced) course, or courses for an arts education pathway or R.O.T.C.***)	
World Language	0	
Electives	2 (arts recommended but not required)	
Other Requirements		
Total Credits	20	

*** Four R.O.T.C. credits may be used.

4. College Tech Prep Course of Study Credits Required

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III, and IV)	
Mathematics	3**** (including either Algebra I, Geometry, and Algebra II; Algebra I and Technical Math I and II; or Integrated Mathematics I, II, and III)	
Science	3 (including a physical science course, Biology, and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History, and World History)	
Health/P.E.	1	
Career/Technical	4 (courses appropriate for career pathway including a second-level (advanced) course)	
World Language	0****	
Electives	2 (arts recommended but not required)	
Other Requirements		
Total Credits	20	

**** A student pursuing this course of study may meet the requirements of a College/University Prep Course of Study by completing two courses in the same second language and one additional unit of math for which Algebra II or integrated Math III is a prerequisite.

5. College/University Prep Course of Study Credits Required

Courses Required	State Requirements	Local Requirements
English	4 (including English I, II, III, and IV)	
Mathematics	4 (including either Algebra I, Geometry, and Algebra II and a higher-level course for which Algebra II is a prerequisite; or Integrated Mathematics I, II, and III and one course beyond Integrated Math III)	
Science	3 (including a physical science course, Biology, and earth/environmental science)	
Social Studies	3 (including Civics & Economics, U.S. History, and World History)	
Health/P.E.	1	
World Language	2 (in the same language) or proficiency in a language other than English	
Electives	3 (arts recommended but not required)	
Other Requirements		
Total Credits	20	

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

Courses Required	State Requirements	Local Requirements
English	4 (including Occupational English I, II, III, and IV)	
Mathematics	3 (including OCS Introduction to Math, OCS Algebra I (Math A), and Financial Management)	
Science	2 (including OCS Applied Science and OCS Biology)	
Social Studies	2 (including American History I and II)	
Health/P.E.	1	
Career/Technical	4 (Vocational Education electives)	
World Language	0	
Occupational Preparation	6 (including Occupational Preparation I, II, III, and IV, which require 300 hours of school-based training, 240 hours of community-based training, and 360 hours of paid employment or 360 hours of any combination of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours)	
Electives	0	
Other Requirements	<ul style="list-style-type: none"> • Completion of IEP objectives • Career Portfolio 	
Total Credits	22	

B. HIGH SCHOOL END-OF-COURSE TESTING

Students must take all end-of-course (EOC) tests required by the State Board of Education. If required by the State Board of Education, students who do not score at

Level III or above on the first administration of an EOC test shall be retested.

The EOC test results will count as 25 percent of a student's final grade in each high school course for which an EOC test is available, except that this requirement does not apply to students following the Occupational Course of Study.

C. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation.

1. Honor Graduates

Honor graduates may be designated by principals on the basis of criteria established by the superintendent. A student who completes the requirements of the North Carolina Academic Scholars Program will receive recognition, including a seal affixed to his or her diploma. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

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

3. Children of Military Families

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

a. Waiver Requirements

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

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests; or (3) alternative testing. If these alternatives are not

feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

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

4. Early Graduation

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

5. Graduation Certificates

Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board policy.

6. Diploma Endorsements

Beginning with the graduating class of 2014-2015, students will have the opportunity to earn an endorsement to their diploma identifying a particular area of focused study including: (1) Career Endorsement, (2) College Endorsement, (3) College Plus Endorsement, and/or (4) North Carolina Academic Scholars Endorsement. No endorsement is required to receive a diploma, and a student may earn more than one endorsement.

Legal References: G.S. 115C-47, -81, -174.11, -276, -288, -407.5; State Board of Education Policies GCS-C-003, GCS-L-007, GCS-N-004, -010

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

Adopted: 13 January 2014

ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Policy Code: **3470/4305**

A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program and the student behavior management plan developed at each school, in addition to numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community.

Alternative learning programs or schools are provided as an option for those instances in which a student's behavior management or academic performance needs cannot be met in a regular educational setting. The purposes of an alternative learning program or school are: (1) to intervene and address problems that prevent a student from achieving success in the regular educational setting; (2) to reduce the risk that a student will drop out of school by providing resources to help the student resolve issues affecting his or her performance at school; (3) to return a student, if and when it is practicable, to the regular educational setting with the skills necessary to succeed in that environment; and (4) to preserve a safe and orderly learning environment in the regular educational setting.

B. ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Alternative learning programs and schools should serve the purposes described above. Such alternative education programs are expected to meet all board policy and state requirements. In addition, alternative education programs and support services should be designed to facilitate students' transition back to the regular educational setting when appropriate.

All school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

Each alternative learning program or school is required to develop a behavior management plan, a school improvement plan and a parental involvement plan in accordance with board policy. In addition, a conflict resolution plan, as provided in policy 3431, Conflict Resolution, must be included in the school improvement plan. The board encourages the principal and other school personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.

The superintendent and board will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent and board will not approve any plan that is not reasonably likely to meet the purposes of an alternative learning program or school.

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school. The board also will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis. The transfer process is provided below.

1. Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

- a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;
- b. provide the reasons for referring the student to an alternative learning program or school; and
- c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

2. Responsibilities of School Personnel at the Alternative Learning Program or School

In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

3. Voluntary Referral

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

Voluntary transfers are encouraged whenever possible. A voluntary transfer is an agreement by the parent, the principal and the disciplinary review committee that transfer is an appropriate option for the particular student. After agreement has been reached, the principal of the regular educational setting and the principal of the alternative learning program or school shall arrange the process and time for the transfer. The principal of the regular educational setting shall notify the superintendent of the transfer.

4. Involuntary Referral

A student may be required to be transferred from the regular educational setting to an alternative learning program or school under any of the following circumstances:

- a. the student presents a clear threat to the safety of other students or personnel;
- b. the student presents a significant disruption to the educational environment in the regular educational setting;
- c. the student is at risk of dropping out or not meeting standards for promotion, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;
- d. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains; or
- e. if the Code of Student Conduct provides for a transfer as a consequence of the student's behavior.

Prior to an involuntary transfer, the principal or disciplinary committee of the referring school shall document efforts to assist the student in the regular educational environment. The principal or disciplinary committee also must document the student's behavior and academic performance. A voluntary transfer is preferable to an involuntary transfer. Therefore, a school administrator should

meet with the parents to try to reach a consensus on how to address the student's difficulties at school.

If an agreement is not reached and a basis for involuntary transfer exists, the principal may recommend to the superintendent that the student be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting; and (3) documentation of the circumstances that support an involuntary transfer.

A copy of the recommendation and other documentation must be provided to the parents by certified mail or in person. The parent may request an informal meeting with the superintendent to discuss the transfer. The superintendent has the authority to determine who may be present at the meeting.

If the superintendent approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

The parent may appeal the superintendent's decision to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school.

5. Assignment During a Long-Term or 365-Day Suspension

A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension. See policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

6. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

D. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that

environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

E. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received an evaluation rating of less than "above standard" within the last three years.

F. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Information to be Reported

Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider. In addition to data required by policy 3430, School Improvement Plan, each alternative learning program or school must report the following information annually to the board:

- a. referral patterns from the regular educational setting, including age, race, gender and method of transfer (voluntary, as an alternative to suspension or expulsion, or involuntary);
- b. drop-out rates;
- c. how long students stay at the alternative learning program or school and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative program or school;
- d. the training and development of professional employees assigned to the alternative learning program or school;
- e. a list of services or programs that the alternative learning program or school coordinates with other governmental agencies; and

- f. any other information the superintendent requires.

To assist the board in evaluating an alternative learning program or school, the school system safe school plan must include measures of the effectiveness of the alternative program or school.

2. Items to be Considered

In addition to any other outcomes the board deems important, the board will determine whether:

- a. a diverse group of students is referred to the alternative learning program or school;
- b. the alternative learning program or school complies with State Board standards;
- c. the alternative learning program or school incorporates best practices for improving student academic performance and reducing disruptive behavior;
- d. school personnel at the alternative learning program or school are well-trained and provided with appropriate professional development;
- e. the alternative learning program or school is organized to provide coordinated services;
- f. students at the alternative learning program or school receive high quality and rigorous academic instruction; and
- g. the alternative learning program or school assists students in transitioning back to the regular educational setting or to other educational settings.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.47, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: 11 July 2011

The Whiteville City Board of Education is committed to providing intervention strategies to help students reach grade level proficiency. All summer programs shall be provided within funds available and under any regulations established by the State Board of Education.

The Whiteville City Board of Education will annually authorize summer programs and their sites upon the recommendation of the superintendent. Summer programs shall be available to students within and outside the school system.

The board adopts the following standards for summer programs:

1. The board annually will set tuition for summer school if tuition is required.
2. The summer school will operate under the direction of the superintendent or designee and shall be supervised by a qualified director, normally the principal or assistant principal of the school in which the summer program is based.
3. The superintendent shall appoint all summer school personnel.
4. All teachers employed for summer school courses shall meet the licensure requirements.
5. The curriculum, courses of study, textbooks, instructional materials and other services of a summer school shall be comparable to those provided in the regular school term, and must conform to the curriculum and accreditation standards.
6. The superintendent shall assign students to summer schools based upon board policies.
7. The superintendent shall keep adequate academic and fiscal records on the operation of all summer schools and shall make all required reports to appropriate agencies.
8. The board annually will establish summer school registration days, class schedules and holidays.
9. All policies, regulations, rules and provisions of the board, including the student code of conduct and attendance requirements, will apply during summer school.
10. All credit courses on the secondary level shall meet for a minimum of 135 clock hours of instruction.
11. The director of each summer school shall be responsible for keeping full and adequate records and for forwarding summer school credits for students to the appropriate school.

The superintendent shall develop regulations to implement this policy.

Legal References: G.S. 115C-232, -233

Cross References: Student Promotion and Accountability (policy 3421)

Adopted: May 11, 2010

RELIGIOUS-BASED EXEMPTIONS FROM SCHOOL PROGRAMS

Policy Code: **3510**

The curriculum of the school system will be based on the North Carolina Standard Course of Study. The board and the school administrators will exercise their authority to select appropriate materials and teach the curriculum in an effective manner. The board supports the free exercise of religion and prohibits discrimination on the basis of religion. While students are expected to participate in all required courses and school activities, the board recognizes that at times parents may object to a specific school course or activity. This policy is designed to provide parents with a process for seeking a religious-based exemption for their child from a required school course or activity.

If parents have religious-based objections to certain programs, they may petition to exempt their child from participation. Any request for exemption should be submitted to the superintendent in accordance with the following guidelines.

1. The request must be in writing.
2. The request must specify the activities or studies that violate their religious beliefs and explain how their religious beliefs are violated by the activity.
3. The request may suggest a proposed alternate activity or study.

The superintendent shall review the request in accordance with any constitutional or statutory standards and shall accommodate the request when required to do so by law. If accommodation is not required by law, the superintendent or designee may choose to accommodate such a request after weighing factors, such as the interest of the child, the impact on other students, and the availability of alternative activities or materials. An appeal of the superintendent's decision may be made to the board through the student grievance procedure.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C-36, -47

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

Adopted: May 11, 2010

The United States Constitution and North Carolina Constitution protect the right of an individual to choose his or her own religious or non-religious beliefs and prohibit any governmental action that may advance or inhibit such beliefs. This policy is intended to protect the religious rights of students and school personnel, to preserve the separation of church and state, and to provide guidance to students and personnel about religion in the public schools.

Notwithstanding any information that may inadvertently still appear in policy, the board of education, administration and staff recognize the First Amendment rights of students and staff. It is the policy of the board of education not to 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.

A moment of silence may be observed at school-controlled functions, activities and events.

CONSTITUTIONAL STANDARD FOR RELIGIOUS ACTIVITIES

In order to ensure that the school system upholds constitutional standards within the religiously neutral role assigned to public schools, school personnel should review the following issues for each school-sponsored observance, program, instructional activity, or other activity involving religious content, ceremony or celebration:

1. the *purpose* of the activity and whether the purpose is secular in nature;
2. the *primary effect* of the activity and whether the activity either advances or inhibits religion;
3. whether the activity involves an *excessive entanglement* with a religion or religious group or between the schools and a religious organization;
4. whether the school system's action constitutes *endorsement* of religion or a religious activity; and
5. whether the activity *coerces* students to participate in a religious activity.

If the activity is considered inconsistent with constitutional requirements based upon the standards above and any other applicable legal standards, the activity will not be permitted in the school system. Questions concerning the constitutionality of activities should be forwarded to the superintendent and board attorney for clarification.

The superintendent shall draft administrative regulations to implement this policy.

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

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)

Adopted: May 11, 2010

Teachers and other staff members shall incorporate the highest standards of honesty, integrity and morality in all of their teaching, counseling and other contacts with students. Because there are students of many religious faiths, convictions and beliefs enrolled in the Whiteville City Schools Administrative Unit, it is especially important that all school staff members be sensitive to the freedom of religion and other constitutional rights of all students.

In considering the role or the absence of the role of religion in the Whiteville City Schools Administrative Unit, it is important to remember that the First Amendment of the United States Constitution does not forbid all mention of religion in public schools. It is the advancement or inhibition of religion that is prohibited. Nor are the public schools required to delete from curriculum all materials that may offend any religious sensitivity. For instance, studying music without sacred music, architecture minus cathedrals, or painting without scriptural themes would be incomplete from any point of view. There is nothing unconstitutional about the use of religious subjects or materials in public schools as long as they are presented as part of a religiously neutral program of education. Teaching against religion is as intolerable as teaching specific religious beliefs.

In order to ensure that the Whiteville City Schools Administrative Unit uphold constitutional standards within the religiously neutral role assigned the public schools, the following questions established by the United States Supreme Court should be asked of each school sponsored observance, program, instructional, or other activity involving religious content, ceremony, or celebration:

- A. What is the purpose of the activity? Is the purpose secular in nature?
- B. What is the primary effect of the activity? Is it the celebration of religion? Does the activity either advance or inhibit religion?
- C. Does the activity involve an excessive entanglement with a religion, religious group, or between the schools and a religious organization? Are funds of a religious origin being used for a school activity? Does either the school or religious activity require the consent or approval of the other?

If the purpose of the activity is not secular, if the effect of the activity is to advance or inhibit religion, or if the activity involves an excessive entanglement, then the activity is unconstitutional and will not be permitted in the Whiteville City Administrative Unit.

The following guidelines on religion and religious practices in the schools are provided in order to avoid infringement of individual rights and to set forth the Board's position concerning certain religious issues:

A. Teachers may include religion's role in appropriate subjects in the curriculum, such as literature, history, the humanities, and the arts. When teaching about religion, teachers shall not promote a particular religion, but shall use fairness and objectivity.

B. School personnel will take into account the possible effects of religious holidays on school attendance when planning school calendars. When possible, examinations and other major events will not be scheduled on such holidays.

C. Students who miss school because of religious reasons that are approved system-wide or have the approval of the principal will be given an opportunity to make up schoolwork.

D. School personnel will give careful consideration to written requests from parents that students be excused from activities that the parents deem objectionable on religious grounds. If such a request is approved by the principal, an alternative activity will be provided for the student.

E. The use of religious symbols and music as part of a religious holiday, such as Christmas or Hanukkah, is permitted as a teaching aid or resource. Symbols that are displayed as an example of the cultural and religious heritage of the holiday are to be used on a temporary basis.

F. Music, art, literature, and drama related to religious holidays may be studied and performed in programs if they are presented in an objective and neutral manner as a tradition of the cultural heritage of the particular holiday. Such programs should be a part of a curricular unit and should be similarly staged and costumed.

G. Student groups sponsored by the school system shall not perform as part of a religious worship service.

H. The secular teaching about religions and about the history and practice of religions is permitted. The teaching is patriotic, historic, and literary documents having religious references embedded in them is permitted. Students shall be permitted to express religious themes through their natural artistic talents. Religion classes that are historical survey courses and offer an elective credit in social studies are permitted as part of the high school curriculum.

I. Religious books, including Bibles, or religious symbols may not be given to students as an award for achievement and may not be generally distributed by religious groups to students at school.

J. Students may read religious materials, including the Bible, during the school day, except when they are involved with their classroom work or other school activities, as long as it does not infringe on the rights of others or interfere in any way with the school program.

K. School personnel may read religious materials, including the Bible, and pray on their free time and may carry or wear religious symbols when on duty at school as long as it does not interfere with their work. Principals and other administrative personnel should be sensitive to and show respect for religious beliefs held by other employees and students. In dealing with religious issues, they should do so in a manner that will not show or imply favor or disfavor with an employee's or a student's religious beliefs.

L. Counseling of students or informal discussions with students by school personnel shall neither infringe on the students' religious beliefs nor seek to indoctrinate students in the particular religious beliefs of the individual.

M. In scheduling speakers for classes and school assembly programs, schools may schedule motivational speakers; however, speakers should not advocate a particular religious creed.

N. At school functions, such as graduation exercises, PTA meetings and other school programs, individuals should be sensitive to the religious beliefs of others. At no time shall any religious beliefs, or any system denying or objecting to religious beliefs, be advanced or disparaged, nor shall any form of religious indoctrination or exercise, including prayer, be conducted by the school system or its employees. A moment of silence may be observed at school-controlled functions, activities, or events. The baccalaureate service is traditionally religious in nature and can not be conducted as a school-sponsored event.

Adopted: May 11, 2010

**SPECIAL EDUCATION PROGRAMS/
RIGHTS OF STUDENTS WITH DISABILITIES**

Policy Code:

3520

The board requires that all special education programs operating in this school system be in compliance with *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education.

All children with disabilities will be accorded rights as required by federal and state law. See also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

The residence of a child with disabilities will be determined in accordance with G.S. 115C-366 and policy 4120, Domicile or Residence Requirements.

The board encourages parents, guardians, surrogate parents, custodians, eligible students and school employees to work cooperatively to ensure that the special needs of students are met. Parents will be provided with information about their rights, the rights of their child, and the responsibilities of the school system toward meeting the special needs of their child.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-366, -390.5 through -390.12; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Domicile or Residence Requirements (policy 4120)

Adopted: 11 July 2011

The board encourages all students to develop an understanding of citizenship, including the importance of a citizen's rights and responsibilities. At a minimum, the citizenship curriculum will incorporate the civic literary requirements of the Basic Education Plan and any statutory requirements regarding the recitation of the Pledge of Allegiance and the display of flags.

BOARD CITIZENSHIP REQUIREMENTS AND OPTIONS

The curriculum committee established in policy 3100, Curriculum Development, shall develop the curriculum regarding citizenship. In addition to meeting any state requirements, the citizenship curriculum also should be designed to reinforce the student behavior management plan. The curriculum shall include addressing character traits as provided in the Basic Education Plan. The character traits should include, but are not limited to, courage, good judgment, integrity, civility, kindness, perseverance, responsibility, tolerance, self-discipline, respect for school personnel, responsibility for school safety, service to others and good citizenship.

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

The citizenship curriculum also may include appropriate instruction on the rights and responsibilities of citizenship and guidelines for the use and display of the North Carolina and United States flags. The curriculum must ensure that no student will be compelled to salute the flag, recite the Pledge of Allegiance, stand to acknowledge the flag or stand to participate in the Pledge of Allegiance, or otherwise feel coerced to participate. In addition, the citizenship curriculum may encourage teachers to use the recitation of the Pledge of Allegiance as an opportunity to teach students about the history concerning coercion and the importance of the First Amendment to the Bill of Rights. Any flags donated or otherwise made available must be displayed in the classrooms.

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

Legal References: 36 U.S.C. 106(d); G.S. 115C-12(33), -47(29a), -81(g), (h), (h1)

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

Adopted: May 11, 2010

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

A. COMPREHENSIVE HEALTH EDUCATION PROGRAM

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

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

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

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

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, and awareness of sexual assault and sexual abuse. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy. Any parent wishing to withhold consent must do so in writing to the

principal.

C. STANDARDS FOR INSTRUCTION

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

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

Legal References: G.S. 115C art. 9; 115C-36, -81(e1); State Board of Education Policies GCS-D-000, GCS-F-007; *Policies Governing Services for Children with Disabilities*, available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>

Adopted: 13 January 2014

Guidance and counseling programs are provided by the school system with the ultimate aim of improving student performance by increasing skills; helping students make adjustments; addressing problems that interfere with learning or the classroom environment; and assisting in career and college planning. The principal of each school shall implement a counseling program that will meet the needs of the student population at that school with the objective of improving student performance. School guidance counselors and other guiding adults in middle and high schools shall provide guidance and information to students about course selections and requirements prior to ninth grade, in order to inform them about accelerated preparation for college entry. Guidance counselors shall encourage ninth grade students to complete these requirements in less than four years if feasible and appropriate.

The counseling program should operate in collaboration with teachers and others involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's plan for involvement of the community in school programs. All school personnel must follow the Parental Involvement Plan (policy 1310/4002) in regard to parental notification/permission for counseling programs. In addition, school personnel shall annually provide all students in Grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

Counseling may be provided on an individual basis or in small or large groups. School counselors may refer students who have extensive needs or needs that go beyond the purpose of the counseling program to community resources.

Students may seek counseling or be referred by staff or parents. Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal. Any counselor or other staff member who knows or has cause to suspect child abuse, neglect, dependency or death as a result of maltreatment must report the information as provided in policy 4240/7312, Child Abuse – Reports and Investigations, and as required by law.

Counseling programs are most effective when voluntarily entered into by a student. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system. However, students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan or, for special education students, an individualized education plan. (See Student Behavior Policies (4300 series), policy 3420, Student Promotion and Accountability, and policy 3520, Special Education Programs/Rights of Students with Disabilities.)

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by G.S. 8-53.4, the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by G.S. 7B-301. Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with board policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S.7B-301; 8-53.4; 115C-12, -47, - 401; State Board of Education Policy GCS-L-006

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Special Education Programs/Rights of Students with Disabilities (policy 3520), Child Abuse – Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Student Records (policy 4700)

Adopted: May 11, 2010

EXTRACURRICULAR ACTIVITIES AND STUDENT ORGANIZATIONS

Policy Code:

3620

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

A. EXTRACURRICULAR ACTIVITY REQUIREMENTS

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior standards established by the board and the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has exceeded the number of absences allowed by policy 4400, Attendance; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct.

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

B. SPECIAL CIRCUMSTANCES

1. The Whiteville City Schools System provides a variety of interscholastic athletic activities for students. Participation in these sports is very beneficial to the students in developing good character, cooperation, and a spirit of fair play and sportsmanship. Students who participate in athletics are also expected to perform well academically.

Eligibility to participate in high school athletics is based upon the guidelines established by the Whiteville City Schools Board of Education requires a 2.0 GPA. Entering freshmen will be eligible first semester based on promotion to the ninth grade.

2. Extracurricular activities may be used as a component of an at-risk student's intervention plan. The intervention plan may include providing for or restricting

the student's participation in extracurricular activities. If the plan restricts the student's participation, the plan must include other intervention strategies designed to improve student performance.

3. Students with disabilities must be accorded the legal rights required by federal and state law.
4. School administrators shall facilitate the inclusion and participation of transitioning military children in extracurricular activities, to the extent they are otherwise qualified, by:
 - a. providing information about extracurricular activities to transitioning military children; and
 - b. waiving application deadlines.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-47(4), -391, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; N.C. High School Athletic Association Handbook

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

Adopted: May 11, 2010

The board is committed to securing the future of democracy by preparing young people to be educated, engaged voters. Further, the board is committed to working in collaboration with the local board of elections to encourage students to register to vote as permitted by North Carolina law.

In keeping with this commitment, the board directs the superintendent to establish a committee of high school social studies teachers and other appropriate school personnel to collaborate with the local board of elections to facilitate and encourage voter registration at all high schools in the school system.

In compliance with G.S. 163-82.23, the principal of each high school shall make available to all students and others who are eligible to register to vote the application forms described in G.S. 163-82.3.

Legal References: G.S. 115C-47(59), -81(g1)(1)(b); -82.3, -82.23

Cross References: Citizenship and Character Education (policy 3530)

Adopted: 13 January 2014

The board recognizes that students must be the primary focus of each school, the school system and the board. To support students in their formal education, each school should strive for a learning environment in which:

1. school grounds, buildings and classrooms are safe, orderly, clean and inviting;
2. students learn and practice responsible behavior;
3. students are treated fairly; and
4. students have input in decisions affecting them when feasible.

Legal References: G.S. 115C-36

Cross References:

Adopted: June 14, 2010

The board affirms the principle that every student, regardless of race, creed, color, national origin, sex, cultural or economic background, or disability, should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of sex, marital status, pregnancy, or parenthood, will be excluded from participating in, denied the benefits of, or subjected to discrimination under any educational program or activity conducted by the school system. The school system will treat its students without discrimination with regard to course offerings, athletics, counseling, employment assistance and extracurricular activities.

Any student, parent or guardian who feels that this policy has been misinterpreted, misapplied or violated may file a complaint in accordance with policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

The superintendent shall develop appropriate procedures to ensure that public education is provided to each qualified student with disabilities in accordance with 34 C.F.R. pt. 104, subpart D.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C-1, -367; art. 9

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Education for Pregnant and Parenting Students (policy 4023)

Adopted: June 14, 2010

TRANSLATING POLICIES FOR STUDENTS AND PARENTS

Policy Code: **4003**

The board recognizes that there are many students and parents in the school system for whom English is a second language. The board further recognizes the importance of communicating the policies of the school system to all students and parents. As funds permit, to the extent practicable, and as otherwise required by law, the school system will provide translations of pertinent school system information and policies to those students and parents who speak English as a second language. The superintendent may explore additional options for providing translations or interpretations of student and parent policies.

Legal References: No Child Left Behind Act, 20 U.S.C. 6316, 6318; G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002)

Adopted: June 14, 2010

EDUCATION FOR PREGNANT AND PARENTING STUDENTS

Policy Code:

4023

The board of education will provide all pregnant and parenting students with the same educational instruction as other students or its equivalent. Pregnant and parenting students will not be discriminated against or excluded from school or from any program, class or extracurricular activity because they are pregnant or parenting students. School administrators shall provide assistance and support to encourage pregnant and parenting students to remain enrolled in school and graduate.

In accordance with state law, school system officials shall use, as needed, supplemental funds from the At-Risk Student Services allotment to support programs for pregnant and parenting students. Students who are pregnant or parenting will be given excused absences from school for pregnancy and related conditions for the length of time the students' physicians find medically necessary. These absences include those due to the illness or medical appointment during school hours of a child of whom the student is the custodial parent. Homework and make-up work will be made available to pregnant and parenting students to ensure that they have the opportunity to keep current with assignments and avoid losing course credit because of their absence from school, and, to the extent necessary, a homebound teacher will be assigned.

Legal References: G.S. 115C-375.5

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Equal Educational Opportunities (policy 4001), Attendance (policy 4400)

Adopted: June 14, 2010

The relationship between staff and students should be one of cooperation, understanding and mutual respect. The staff has the responsibility to provide an atmosphere conducive to learning and to motivate each student to perform to his or her capacity. The staff is expected to model the behavior expected of students in staff-student relationships. All employees must be treated with respect by students. Employees shall treat students with respect.

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7.

Any employee who has reason to believe that another employee is inappropriately involved with a student, as described above, is required to report this information to the superintendent. An employee who fails to inform the superintendent of a suspected inappropriate relationship between an employee and a student may be subject to disciplinary action, up to and including dismissal.

For the purposes of this policy, the term “employees” includes independent contractors and school safety officers but does not include student employees.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.7, -202.4; 115C-47(18); 16 N.C.A.C. 6C .0601, .0602; State Board of Education Policy TCP-C-014

Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Staff Responsibilities (policy 7300)

Adopted: June 14, 2010

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

A. IDENTIFICATION OF MILITARY-CONNECTED STUDENTS

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

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

B. COMPLIANCE WITH THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

In order to promote flexibility and cooperation among the school system, parents and guardians, and children of military families, to promote the children's well-being, and to assist these children in achieving educational success 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.

1. Definitions

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

a. Active Duty

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

b. Children of Military Families

Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of 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: December 8, 2014

The board of education requires all students to meet the eligibility requirements for school admission established by the state and the board, including age. Any parent or guardian who is unclear whether age requirements are met is encouraged to contact the superintendent's office or the elementary school that the child is likely to attend.

A. ENTITLEMENT TO INITIAL ENTRY

A child who is presented for enrollment at any time during the first 120 days of a school year will be considered eligible for initial entry in either of the following circumstances:

1. the child reaches or reached the age of five on or before August 31 of that school year; or
2. the child resided in another state and was attending school during that school year in accordance with that state's laws or rules prior to moving to North Carolina. (The child does not need to reach the age of five on or before August 31 in this circumstance.)

B. DISCRETIONARY ENROLLMENTS

The board may allow a child to be enrolled in either of the following circumstances.

1. The child is presented for enrollment after the first 120 days of a school year and meets one of the circumstances specified above for entitlement to initial entry.
2. The child reached the age of four on or before April 16; the child is presented for enrollment no later than the end of the first month of the school year; and the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and has the maturity to justify admission to school. In making such a determination, the principal shall follow guidelines established by the State Board of Education. The board regards admission of a four-year-old to be an extraordinary measure and not to be used merely because the child is developmentally advanced.

C. GRADE LEVEL OF INITIAL ENTRY

The initial point of entry will be the kindergarten level. After initial entry, a principal may move the child to the first grade if the principal determines that by reason of maturity, the child may be served more appropriately in the first grade.

D. EVIDENCE OF AGE

The principal may require the parent or guardian of any child presented for admission for

the first time to furnish a certified copy of the child's birth certificate or other satisfactory evidence of the child's date of birth. However, for a student who is considered homeless, the inability to provide documentation must not prohibit or cause a delay in enrollment of the student. The homeless liaison shall work with the student, parent or guardian, school personnel and other agencies to obtain the necessary enrollment records or other information in a timely manner.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 115C-288, -364; 16 N.C.A.C. 6E .0105, State Board of Education Policy GCS-J-001

Cross References: Homeless Students (policy 4125)

Adopted: June 14, 2010

IMMUNIZATION AND HEALTH REQUIREMENTS FOR SCHOOL ADMISSION

Policy Code:

4110

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records may be inspected by officials of the county or state health departments. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. IMMUNIZATION

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

For students entering the sixth grade, a booster dose of Tdap vaccine is required if five years or more have passed since the student's last dose of tetanus-containing vaccine.

Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b).

Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.

Exceptions to the immunization requirement will be made only for religious reasons or for medical reasons approved by a physician. These exceptions must be determined by the school administrator with guidance from the appropriate agencies.

B. HEALTH ASSESSMENT/VISION SCREENING

Within 30 calendar days of the first day of school entry, all kindergarten students must furnish to the principal a document indicating that the student has received a health assessment pursuant to G.S. 130A-440. The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

Vision screening must comply with the vision screening standards adopted by the former Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist or a vision screener certified by Prevent Blindness North Carolina. If a child enters the first grade without having been enrolled in a kindergarten program requiring a vision screening, the screening is required at that point.

Children who receive and fail to pass the required vision screening should obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

C. HOMELESS STUDENTS

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. CHILDREN OF MILITARY FAMILIES

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

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

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125)

Adopted: 10 December 2012

BEHAVIOR STANDARDS FOR TRANSFER STUDENTS

Policy Code:

4115

This policy applies to transfer students seeking admission to the school system. Transfer students are students who have been enrolled in or who have attended a private school or a public school in this state or another state.

In accordance with state law, the student's parent, guardian or custodian must provide a statement made under oath or affirmation before a notary indicating (1) whether at the time of the admission request the student is under suspension or expulsion from attendance at a private or public school in this or any other state and (2) whether the student has been convicted of a felony in this or any other state.

STUDENTS UNDER SUSPENSION/EXPULSION OR CONVICTED OF A FELONY

If at the time of the admission request the student is under a suspension or an expulsion or has been convicted of a felony, the parent, guardian or custodian must provide to the school system all requested information related to the conduct. The superintendent or designee shall review the information and make a recommendation to the board as to whether the student should be admitted and, if so, whether any reasonable conditions should be imposed.

1. Suspension: The board may deny admission to a student who is under a suspension for conduct that could have led to a suspension from a school within the school system. Admission may be denied until the suspension has expired.
2. Expulsion: The board may deny admission to a student who has been expelled from a school pursuant to G.S. 115C-390.11 or who has been expelled from a school for behavior that indicated the student's continued presence in school constituted a clear threat to the safety of other students or employees. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.
3. Felony Conviction: The board may deny admission to a student who has been convicted of a felony in this state or any other state. The student may request reconsideration of the board's decision in accordance with G.S. 115C-390.12.

In any of the above-described circumstances in which admission may be denied, the board alternatively may place reasonable conditions on the admission of the student. Such conditions include, but are not limited to, behavior contracts, alternative school placement and limits on free time and extracurricular activities. Drug testing and weapon searches also may be reasonable conditions so long as they meet any constitutional requirements.

Notwithstanding the provisions of this policy, students under a suspension or an expulsion who have been identified as having a disability pursuant to the *Individuals with Disabilities Education Act* and otherwise meet the requirements for enrollment in the school system are entitled to services to the extent mandated by federal and state law.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; G.S. 115C-366(a3), (a4), (a5), -390.5, -390.7, -390.10, -390.11, -390.12

Cross References: Discretionary Admission (policy 4130)

Adopted: 11 July 2011

A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation and who otherwise qualifies for admission, is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are “grandfathered” into the system under subsection C.5, below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See Section C, below.)

A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one’s prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one’s exclusive home and does not require an intention that the residence be the permanent home.

B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students Generally

The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian, or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

If a student is at least 18 years of age, is married, or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian, or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and is entitled to the same rights and privileges of other students domiciled in the school system.

3. Domicile of Students with Divorced or Separated Parents

Domicile for the purpose of school admission and assignment will be determined by the following criteria.

- a. In the event that a student's parents are divorced or separated and physical custody has been given to only one parent, the student's domicile follows that of the parent who has been granted physical custody.
- b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's system of residence, then the parents must jointly agree on which residence will be used to determine the student's domicile. The selected residence must be submitted in writing to the superintendent.
- c. The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and releases.
- d. In the event that the parents cannot agree on which residence will be used to determine the student's domicile for school assignment purposes, school officials shall assign the student according to the residence of the parent with physical custody of the student at the beginning of the school year.

C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the system in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned to a school in the attendance area where he or she is physically located or wherever the interests of the child are best met.
2. The parent, guardian, or legal custodian residing in the school system attendance area is a student, employee, or faculty member of a college or university or is a visiting scholar at the National Humanities Center.
3. The student resides in a group home, foster home, or other similar facility or institution.
4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.
5. The student is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities*, and the child was (a) enrolled in the school system on the last day of school for the 2006-07 school year or (b) enrolled in and attending a school in the school system

on August 1, 2007, for the 2007-08 school year, so long as the child lives within and is continuously enrolled in the system.

6. The student resides with an adult who is a domiciliary of the school system as a result of any of the following.
 - a. The death, serious illness, or incarceration of the child's parent or legal guardian.
 - b. The abandonment by the child's parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.
 - c. Abuse or neglect by the parent or legal guardian.
 - d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.
 - e. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health.
 - f. The loss or uninhabitability of the student's home as the result of a natural disaster.
 - g. The parent or legal guardian is one of the following: (1) on active military duty, not including periods of active duty for training for less than 30 days, and is deployed out of the local school administrative unit in which the student resides; (2) a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (3) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty (but only for a period of one year after the death of the parent or guardian). Assignment under this subsection is only available if some evidence of the deployment, medical discharge, retirement, or death is tendered with the affidavits required under G.S. 115C-366.

In order to be admitted under this provision, the student may not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, unless the student is identified as eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*, and evidence of such eligibility is tendered with the affidavits described below.

The adult with whom the student resides and the student's parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available from the superintendent's office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

D. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

E. APPEAL OF ADMISSION DECISIONS

Within 10 working days of receiving all of the information required under this policy, the superintendent or designee shall provide a written decision to the applicant for admission to the school system. The superintendent's decision regarding admission of the student may be appealed to the board in accordance with subsection E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to 13.3; 115C-106.2, -106.3, -107.6, -108.1(a), -366, -407.5; State Board of Education Policy GCS-D-000; *Policies Governing Services for Children with Disabilities, available at <http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities>*

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: 13 January 2014

As required by the North Carolina Constitution and North Carolina law, the board of education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age located within the county, encourage their enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced price school meals, services for English language learners, special education, vocational/technical education, gifted and talented services, and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. DEFINITION OF HOMELESS STUDENTS

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term “homeless student” shall also be deemed to include the term “unaccompanied youth,” which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship or a similar reason;
2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. living in emergency or transitional shelters;
4. abandoned in hospitals or awaiting foster care placement;
5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;
6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular and adequate nighttime residence.

B. ASSISTANT SUPERINTENDENT

The superintendent shall designate the assistant superintendent or other personnel as the district homeless liaison. In this role, the assistant superintendent' duties include, but are not limited to, the following:

1. ensuring that school personnel identify homeless children and youth;
2. ensuring school/preschool enrollment and opportunities for academic success for homeless children and youth;
3. informing parents of available transportation services and helping to coordinate such services;
4. ensuring that public notice of the educational rights of homeless students is disseminated in locations where these students and families receive other support services;
5. informing parents of educational and related opportunities available to their children and ensuring that parents have a meaningful opportunity to participate in their child's education;
6. helping to mediate enrollment disputes, including ensuring that a homeless child or youth is enrolled immediately pending resolution of the dispute;
7. working with school personnel, the student, parents or guardians, and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and
8. working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

C. ACCESS TO STUDENTS' RECORDS

Homeless students transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

School personnel shall immediately enroll homeless students, even if they do not have proof of residency, school and immunization records, birth certificates, or other documents, and even if they are not accompanied by an adult. The school counselor(s) shall assist the students/parent in securing appropriate records or otherwise meeting enrollment requirements.

D. ENROLLMENT

A homeless student (or his or her parent or guardian) may request to attend his or her school of origin or any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled. To the extent feasible, the student will remain enrolled in the school of origin for the entire time the student is homeless or until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the school administrator(s) or other appropriate personnel to decide, in consultation with the assistant superintendent, which school a homeless student will attend. The decision will be based upon the student's best interests. In making the enrollment decision, the superintendent's designee may consider the following factors:

1. the age of the student;
2. the distance of the commute and its impact on the student's education;
3. personal safety issues;
4. the student's need for special instruction (such as special education and related services);
5. the length of any anticipated stay in a temporary shelter or other temporary location; and
6. the time remaining in the school year.

If the school administrator(s) assigns a student to a school other than the one requested by the parent or guardian, he or she must provide a written explanation of the decision to the parent or guardian, along with a statement regarding the right to appeal the placement decision and referral to the assistant superintendent.

E. ENROLLMENT DISPUTE RESOLUTION

The school system will implement an enrollment dispute resolution process that is consistent with the process required by the State Board of Education in the North Carolina Administrative Code, Section 6H .0112.

1. Initiation of the Dispute and Stay Put

If a dispute arises over school selection or enrollment in a school for a homeless student, the following must occur:

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- a. The homeless student will be immediately admitted to the school in which enrollment is sought, will receive all services for which he or she is eligible and will be allowed to participate fully in school activities, pending resolution of the dispute.
 - b. The unaccompanied youth or parent or guardian of the student will be provided a written explanation of the school's decision regarding the enrollment, including the right to appeal the decision. Such information must be provided in a language that the parent or guardian or unaccompanied youth can understand. The information must contain:
 1. contact information, including telephone number and address of the assistant superintendent and of the State coordinator for homeless education, with a brief description of their roles;
 2. the right to initiate the dispute resolution process either orally or in writing;
 3. a simple form that parents, guardians, or unaccompanied youth can complete and submit to the assistant superintendent to initiate the dispute resolution process;
 4. a step-by-step description of how to dispute the school's decision;
 5. notice of the right to enroll immediately in the school of choice or remain in the school of origin with transportation provided pending resolution of the dispute;
 6. notice that immediate enrollment includes full participation in all school activities; and
 7. notice of the right to obtain assistance of advocates or attorneys.
 - c. The student or parent or guardian will be referred to the system's assistant superintendent, who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute.
2. Assistant Superintendent Review
 - a. Any parent or guardian or student initiating an enrollment dispute (hereinafter "complainant") is encouraged to attempt to resolve the dispute informally through discussion with the assistant superintendent. If the dispute cannot be resolved informally, the complainant may present a formal complaint orally or in writing to the assistant superintendent either directly or through the principal of the school at which enrollment is

sought.

- b. The complaint should include the date of the filing, a description of the disputed enrollment action, the name of the person(s) involved and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.
- c. Within five school days after receiving the complaint, the assistant superintendent shall provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

3. Appeal to the Superintendent of the Assistant Superintendent's Decision

- a. Within five school days of receiving the assistant superintendent's decision, the complainant may appeal the decision to the superintendent in writing. The assistant superintendent shall ensure that the superintendent receives copies of the written complaint and the response.
- b. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.
- c. Within five school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

4. Appeal to the Board of the Superintendent's Decision

If the complainant is dissatisfied with the superintendent's decision, he or she may file a written appeal with the board of education. The board will provide the complainant with a written decision within 30 days of receiving the appeal. The board's decision will constitute the final decision of the school system. The written statement of the board's opinion will include the name and contact information of the State coordinator for homeless education and will describe the appeal rights to the State coordinator.

5. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the action taken by the board of education, he or she may file an appeal with the State coordinator for homeless education, who will issue a final decision on the complaint. Within five school days following a request from the State coordinator, the assistant superintendent shall provide the record of complaint and a copy of the board's decision along with any other information requested regarding issues in the appeal.

F. TRANSPORTATION

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent or guardian's request (or the request of the assistant superintendent for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the assistant superintendent shall coordinate homeless students' transportation needs, based on the child's best interest and feasibility. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his or her school of origin, the board will provide transportation to the student for the remainder of the school year, except in extraordinary circumstances as recommended by the superintendent.

G. TITLE I

Homeless students are automatically eligible for Title I services. The assistant superintendent and the Title I director shall collaborate to identify the needs of homeless students.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; *Non-Regulatory Guidance on Education for Homeless Children and Youth Program*, U.S. Department of Education (2004); G.S. 115C-366(a2); 16 N.C.A.C. 6H .0112; State Board of Education Policy TCS-I-000

Cross References: Immunization Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150)

Adopted: June 14, 2010

The superintendent or designee shall approve or deny requests for admission to the school system for students who do not meet the domicile or residence requirements outlined in policy 4120, Domicile or Residence Requirements. Applications from residents of the school system will be given consideration before others. Admission may be granted for up to one full school year. An application must be submitted each subsequent school year in which admission is desired.

A. ADMISSION CRITERIA

A non-domiciled student may be admitted and enrolled, at the discretion of the superintendent, if the following conditions are met.

1. The parent, legal guardian or legal custodian must submit a request in writing that explains why, in the opinion of the parent, legal guardian or legal custodian, the student needs to attend school in the school system. An explanation of need may be considered when:
 - a. there are compelling, specific circumstances indicating that the student should continue his or her education in the school system (as, for example, when the student is in his or her senior year when the parent, legal guardian or legal custodian becomes domiciled outside the school system);
 - b. there is an extraordinary, compelling, specific family need (as, for example, when a parent, legal guardian or legal custodian is clearly unable to care for the child); or
 - c. another extraordinary, specific, and compelling need or hardship is demonstrated.

Any reason having to do with athletics or participation in athletics is not a valid or sufficient explanation of need.

2. The board must have determined that space is available in the school system and in the particular school or program in which the student seeks to enroll.
3. The student must demonstrate that he or she was in good standing in the previous school attended by that student, in terms of academics, discipline, and other measures of standing and progress in the school system. The student also must satisfy the requirements in policy 4115, Behavior Standards for Transfer Students.
4. With the initial application, the student must furnish a transcript and other student record data, including evidence of compliance with the North Carolina immunization requirements.

5. If the student is transferring from another school system in North Carolina, the student must submit a release approved by the board of education of the other school system from which the transfer is being made.
6. If the student resides with an adult who is not the student's parent, legal guardian or legal custodian, the student must furnish the school system with a notarized written document showing that the parent, legal guardian or legal custodian consents to the student attending school in the school system and authorizes the adult with whom the student lives to make all decisions relating to the student's education, including, but not limited to, any decisions relating to placement, services, field trips, medical treatment, grading and reporting, discipline, participation in extracurricular activities and participation in athletics.
7. If the student is asserting residency in the school system, sufficient evidence must be provided with the initial application, such as a copy of utility bills.

B. DISCRETIONARY ADMISSION DECISIONS

1. Final Decisions

Admission for up to one full school year may be granted based upon the information contained in the application and supporting documents. Nonresident students who are admitted based upon false or misleading information on their application will have their application voided and acceptance rescinded.

The superintendent or designee shall send a written response to an applicant within 10 working days of receipt of the information required under this policy. Final decisions regarding discretionary admissions may be delayed until the board has determined whether space is available in the requested school. Therefore, the written response may provide either a final decision or a notification that a final decision is pending until the board determines space availability.

2. Appeals

A final decision may be appealed to the board in accordance with the procedures of section E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

3. Renewals

For the renewal of admission in subsequent school years, the student must continue to meet all admission criteria and must be in good standing in terms of academics, discipline and other measures of standing and progress in the school system.

The superintendent or designee shall develop and administer a procedure to implement this

policy.

Legal References: G.S. 7B, art. 35; 35A, art. 6; 50-13.1 to 13.3; 115C-231, -364 to -366.1

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Behavior Standards for Transfer Students (policy 4115), Domicile or Residence Requirements (policy 4120)

Adopted: June 14, 2010

ADMISSION OF FOREIGN EXCHANGE STUDENTS

Policy Code:

4134

The board recognizes the cultural benefits of foreign student exchange programs and authorizes the schools to accept foreign exchange students under the following conditions:

1. The student must be in the United States under a J-1 visa under the auspices of an educational exchange program endorsed by the Council on Standards for International Educational Travel of the U.S. Information Agency and appear in the current Advisory List of International Educational Travel and Exchange Programs of NASSP. Admission of foreign exchange students must be consistent with all state and federal rules and regulations and the requirements of the Department of Homeland Security and the U.S. Citizenship and Immigration Services.
2. The student demonstrates adequate proficiency in oral and written English to perform in classes without individual instruction.
3. Foreign exchange students may be accepted in the school system when there is space available and the acceptance does not result in the denial of any opportunity to a student entitled to attend. The school system is not required or obligated to add classes, teachers or staff to accommodate foreign exchange students.
4. The foreign exchange student will be subject to all policies and regulations governing student behavior and discipline.
5. No student may be enrolled at any school without the recommendation of the principal and the approval of the superintendent. Enrollment of a foreign exchange student that would place an undue hardship on the school system's resources shall not be recommended or approved, except as may otherwise be required by law.
6. The school system will not provide monetary aid for the education of students admitted under this policy.

The board also encourages its students to participate in exchange programs. A student who chooses to participate in exchange opportunities must develop a written plan concerning credits, graduation expectations, and conditions of the program. This plan should be developed with the student's parents, principal, and guidance counselor and will be placed in his or her permanent record before departure.

Legal References: G.S. 115C-36, -366, -366.1

Cross References: Tuition for Discretionary Admission (policy 4135), Student Discipline Policies (4300 policies)

Adopted: June 14, 2010

Tuition will be charged to students admitted under policy 4130, Discretionary Admission, if the students (1) are not domiciled in the State or (2) are domiciled in the State and residing outside of the school system boundaries. Tuition will equal the local per pupil allocation for current expense as provided by the board of commissioners from the preceding year. Tuition may be waived if a student meets one of the following criteria.

1. The student is admitted to the school system pursuant to an agreement between this board and another board of education, when the agreement specifies that the payment of tuition by the individual will not be required.
2. The student resides on a military base within North Carolina; however, no tuition will be charged if federal funds designed to compensate for the impact on public schools of military dependent students are provided to the school system in an amount not less than 50 percent of the total per capita cost for education, exclusive of capital outlay and debt service.
3. The student demonstrates extraordinary financial hardship.
4. The student is a nonresident whose parents moved or plan to move into the school system on or before December 1 and therefore may be assigned at the beginning of the school year to the school serving the pupil's new residence without payment of tuition.
5. The student's legal domicile was located inside of the boundaries of the school system, but during the school year the student moves into the boundaries of another school system; in this case the student will be eligible for continued enrollment during the school year without payment of tuition.
6. The student's parent(s) are employed by the school system.

Tuition will not be charged to students who are domiciliaries of the State and who reside within the school administrative unit. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition by that board.

Legal References: G.S. 115C-366, -366.1

Cross References: Discretionary Admission (policy 4130)

Adopted: June 14, 2010

A. ASSIGNMENT AREAS

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

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

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

B. ASSIGNMENT OF STUDENTS

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

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

Should a magnet school be established within the school system, parents or guardians will also have the option of applying for admission to one of the school system's magnet schools. Admission decisions for magnet schools will take into account the following criteria:

1. maintaining a socioeconomic, geographic and student achievement diversity that is reasonably reflective of the school system as a whole;
2. efficient use of school facilities;
3. any program criteria that must be met by the student for admission to the particular school;
4. enabling siblings to attend the same school; and
5. hardship on the student or parent that has been documented by the parent.

C. REQUESTS FOR REASSIGNMENT

1. Procedure for Requesting Reassignment Before Notice of Assignment

Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a request must be submitted in writing to the superintendent by June 1. The superintendent shall consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested and the instruction, health and safety of the pupils there enrolled. A decision will be made and the parent notified by June 30. If the parent is dissatisfied with the superintendent's response, the parent may request the board to reassign the student as provided below.

2. Procedure for Requesting Reassignment After Notice of Assignment

Within 10 days of notice of the assignment or the last publication thereof, the parent may request in writing the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail.

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, e-mail or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

Students whose legal residence changes from one school assignment area to another within the school system during the same school year may choose to finish out that school year in the same school or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.

2. Unsafe School Choice Transfer under the No Child Left Behind Act

Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. School Improvement Choice Transfer under the No Child Left Behind Act

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

4. Transfer of Homeless Students

Students who become homeless between academic years or during an academic year may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student's best interest. (See policy 4125, Homeless Students.)

5. Other Transfers

The superintendent shall consider student requests for transfer to another school during the school year based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations, and other criteria established by the superintendent.

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

The following conditions apply in regard to any reassignments or transfers made in accordance with sections C and D of this policy.

1. The parent is responsible for transportation (except for (a) school improvement choice transfers for which the system must provide transportation for as long as the original school is identified for Title I school improvement or (b) homeless student transfers for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).

2. The transfer or reassignment is valid for no more than one school year (except for (a) unsafe school choice transfers and school improvement choice transfers for which the length of reassignment will be consistent with legal requirements and policies 4152 and 4153 and (b) homeless student transfers for which the length of reassignment will be consistent with legal requirements and policy 4125).
3. Any transfer request that is approved based upon false or misleading information will be declared void, and the transfer will be rescinded.

F. ASSIGNMENT TO ALTERNATIVE SCHOOL

Students will be assigned to the alternative school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

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

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Homeless Students (policy 4125), Unsafe School Choice Transfer (policy 4152), School Improvement Choice Transfer (policy 4153), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: 10 December 2012

The board is committed to providing an environment at each school that is safe, orderly and inviting. The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment).

Pursuant to federal and State Board of Education requirements, the board will allow a student who attends a school designated as a persistently dangerous school or a student who becomes the victim of a violent criminal offense at his or her school to attend another school that the superintendent has identified as an eligible transfer school.

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Violent Criminal Offenses

Violent criminal offenses are the following crimes, as reported to the State Board of Education in the annual *Report on School Crime and Violence*:

- a. homicide;
- b. assault resulting in serious bodily injury;
- c. assault involving use of a weapon;
- d. rape;
- e. sexual offense;
- f. sexual assault;
- g. kidnapping;
- h. robbery with a dangerous weapon;
- i. robbery; and
- j. taking indecent liberties with a minor.

2. Recurrent Incidents

Recurrent incidents are those incidents in which a total of five or more violent

criminal offenses were committed per 1000 students (0.5 or more per 100 students) during the school year.

3. Persistently Dangerous School

A persistently dangerous school is a school that meets the following criteria:

- a. a total of five or more violent criminal offenses were committed per 1000 students (0.5 or more per 100 students) during each of the two most recent school years; and
- b. the conditions that contributed to the commission of such offenses are likely to continue into another school year.

4. Eligible Transfer School

An eligible transfer school is a school that is not designated as a persistently dangerous school, that offers instruction at the student's grade level and that the superintendent has identified as eligible for unsafe school choice transfer.

B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES

Upon the commission of any violent criminal offense at the school, the principal and the school improvement team shall review the incident to determine whether any conditions or procedures at the school or in the safe school plan need to be modified as a result of the incident. The principal shall provide a report of the review to the superintendent or designee.

C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS

1. Notification to the State Board of Education of Recurrent Incidents

At the end of each school year, along with the *Annual Report on School Crime and Violence*, the superintendent must provide written notification to the State Board of Education of all schools in the school system that have recurrent incidents during the most recent school year and during each of the two most recent school years.

For any school that has recurrent incidents during each of the two most recent school years, the board will determine whether any changes need to be made in the school- or system-level school safety procedures. The superintendent shall report to the State Board of Education any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans that the board has to eliminate such conditions.

2. Probationary Schools

If the State Board of Education determines that a school should be placed on probation, during the probationary year the principal and school improvement team shall implement strategies to protect students from violent criminal offenses and to deter future offenses from occurring. Such strategies must be incorporated into the safe school plan. As necessary, the superintendent may request assistance from the Department of Public Instruction to help identify strategies for implementation.

3. Persistently Dangerous Schools

If the State Board of Education determines that a school is a persistently dangerous school, the superintendent shall assign personnel from the central office to review safety procedures at the school. The central office team also shall assist the school with creating and implementing a corrective action plan for the school. The corrective action plan should be based on an analysis of the problems at the school, should include strategies to improve safety at the school, and should identify any system-level policies and procedures that need to be modified. Any strategies identified for the corrective action plan should be incorporated into the safe school plan.

Pursuant to the unsafe school choice transfer procedures provided below, a student who attends a persistently dangerous school will be allowed to transfer to another school that the superintendent has designated as an eligible transfer school.

As deemed appropriate, the board will pursue any appeals process available for review of a school's designation as probationary or persistently dangerous.

D. VICTIM OF A VIOLENT CRIMINAL OFFENSE

A student shall be considered the victim of a violent criminal offense when the following criteria are met:

1. the principal determines, based upon reasonable evidence, that the student has been the victim of any of the applicable offenses identified in this policy; and
2. the offense occurred while the student was on the grounds of the public school that he or she attends.

Pursuant to the unsafe school choice transfer procedures provided below, a student who is a victim of a violent criminal offense shall be allowed to transfer to another school that the superintendent has designated as eligible for transfer.

E. UNSAFE SCHOOL CHOICE TRANSFER PROCEDURES

The superintendent shall establish procedures to facilitate the transfer of students when a school has been identified as persistently dangerous or when a student has been identified as a victim of a violent criminal offense. Such procedures must include the following elements.

1. School officials must notify parents within 10 days of the determination that their child attends a school that has been identified as persistently dangerous or that their child has been identified as a victim of a violent criminal offense.
2. School officials must notify parents that their student has the opportunity to transfer to another school that has not been identified as persistently dangerous, that serves the student's instructional level and that the superintendent has designated as an eligible transfer school; this notice must be provided no later than 14 days before the start of the school year for students attending persistently dangerous schools and no later than 14 days after determining that a student has become a victim of a violent criminal offense.
3. School officials must identify those schools, including any virtual schools, within the system that are eligible to receive unsafe school choice transfers.
4. School officials must identify other options for unsafe school choice transfers if no schools in the school system are eligible.
5. School officials must provide a process for parents to request transfer upon receiving notification of the unsafe school choice transfer option.
6. School officials must provide a process to ensure that transfers for students attending a school designated as persistently dangerous are completed by the start of the school year or as expeditiously as possible and to ensure that transfers for student victims, except in extraordinary circumstances, are completed no later than the start of the school year.
7. School officials must provide a report to the State Board of Education and to the local school board of each student transfer made pursuant to this policy.
8. School officials must include the transfer procedure in the system-level safe school plan.

Transfers made because a student's school was designated as persistently dangerous shall remain in effect as long as the school is so identified. Transfers made because a student was a victim of a violent criminal offense shall remain in effect at least through the remainder of the school year in which the incident occurred.

F. TRANSPORTATION

Parents who decide to transfer their child pursuant to this policy are responsible for

transportation of their child to the receiving school.

Legal References: No Child Left Behind Act, 20 U.S.C. 7912; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004); G.S. 115C-36, -366, -367; State Board of Education Policy HRS-A-006

Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

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)

Adopted: June 14, 2010

A. GENERAL AUTHORITY

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

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

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

a. Consultative Meeting with the School Principal

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

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

b. Initial Classroom Placement

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

This section shall not otherwise limit the principal’s authority to determine

the specific classroom assignment(s) for multiple birth siblings, including the students' assignment to a specific teacher or team.

c. Change to Initial Classroom Placement

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

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

2. Newly Enrolled Children of Military Families

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

a. Course Placement

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

b. Educational Program Placement

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

c. Special Education Services

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

d. Placement Flexibility

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

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

Cross References: Children of Military Families (policy 4050)

Adopted: 10 December 2012

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 unless the animal is properly excluded as set forth in section E of this policy. The superintendent shall 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. Service animals do not include any other species of animal, whether wild or domestic, trained or untrained. 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, student or visitor 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) any necessary modifications to the educational program so that the employee or student with a disability may be accompanied by the service animal; and
 - 3) address, when necessary, the presence of a handler other than the employee or student with the disability to control or care for the service animal.
- c. 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/or illnesses 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.

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; and shall be documented.

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 Compliant Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Visitors to the Schools (policy 5020)

Adopted: 12 March 2012

The safety of students is a paramount concern of the board and school system. The principal or designee shall make reasonable efforts to verify that any person appearing at a school and requesting permission to take a student from the school is properly identified before the student is released to him or her.

Except in the most extreme circumstances, custody of a student shall not be relinquished to any person without the prior approval of the parent or guardian who has physical custody of the student. However, if the parents are divorced or separated, the student may be released to either parent, unless the principal has been provided with a copy of a court order or agreement that specifies otherwise.

If the principal or designee judges that the student's health or safety may be harmed by releasing the student, the principal shall contact law enforcement and/or the department of social services as appropriate.

No student shall be asked to or made to leave the school grounds during school hours to perform errands or deliver messages for any employee.

Principals are encouraged to develop guidelines as necessary to implement this policy. These guidelines shall include check-out procedures that will be included in student handbooks and informational sheets annually.

Legal References: G.S. 115C-36, -47, -288

Cross References: Child Abuse – Reports and Investigations (policy 4240/7312), Relationships with Other Governmental Agencies (policy 5100)

Adopted: June 14, 2010

Membership in a group accident insurance program will be made available to students each year. In arranging for this insurance, the board will make every reasonable attempt to identify a company offering comprehensive insurance at economical rates. The selection of the insurance provider will be made after soliciting competitive proposals. The provider must be licensed in North Carolina and maintain an agent within the state of North Carolina with authority to handle, adjust and process all claims. Information on the plan will be made available through school publications.

Purchase of this insurance constitutes an agreement between the student and/or parent and the insurance company. The school system is not a party to this agreement. The school system does not assume any contractual responsibility for expenses not covered by insurance.

The school system provides secondary student accidental insurance to those students in Middle and High School who choose to participate in programs that may have a higher risk of physical injury than most school activities, including but not limited to off-site internship programs, cheerleading, football and other interscholastic sports. The board recommends parents consider additional coverage for students participating in physical education or courses involving a higher risk of injury.

The superintendent may designate other activities, including certain school trips that require accident insurance. The superintendent shall develop regulations, as needed pertaining to the student insurance program.

Legal References: G.S. 115C-36

Cross References:

Adopted: June 14, 2010

The board strives to provide a safe and healthy environment for all students and employees. The board also strives to maintain a balance among the needs to educate all eligible students, to protect students' and employees' rights, and to control communicable diseases, including HIV and AIDS.

Under certain circumstances, students with communicable diseases may pose a threat to the health and safety of other students and employees. Decisions regarding the educational status of students with communicable diseases will be made on a case-by-case basis in accordance with this policy. Nothing in this policy is intended to grant or confer any school attendance or education rights beyond those existing by law. This policy will be shared with school employees annually and with new employees as part of any initial orientation.

A. DEFINITION OF COMMUNICABLE DISEASE

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

B. PRECAUTIONS

In order to prevent the spread of communicable diseases, school system officials shall distribute guidelines for necessary health and safety precautions that all school system employees must follow. (See policy 7260, Occupational Exposure to Bloodborne Pathogens, and policy 7262, Communicable Diseases – Employees). Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials.

Students should not be involved in the handling, disposal and cleanup of potentially infectious. Employees shall take reasonable precautions to avoid allowing students to come in contact with these substances.

C. CURRICULUM

The curriculum will include health, hygiene and safety education, including age-appropriate information concerning safe health practices that inhibit and prevent the spread of diseases, including HIV and AIDS. (See policy 3540, Comprehensive Health Education Program.)

D. REPORTING AND NOTICE REQUIREMENTS

In accordance with G.S. 130A-136, school principals shall report suspected cases of communicable diseases to the county health department. Confidentiality of such reports

is protected by law. School principals are presumed by law to be immune from liability for making such reports in good faith. Without releasing any information that would identify the student, the principal also must report suspected cases of communicable diseases to the superintendent. Additionally, parents or guardians will be notified in a timely manner when their child has potentially been exposed to a communicable disease through the exchange of blood with another individual and will be encouraged to contact their private physician or the county health department for consultation.

If the local health director of Columbus County determines that there is significant risk of HIV transmission, the local health director is responsible for deciding which school personnel will be informed of the identity of a student with AIDS or HIV infection. The health director is also responsible for determining which school personnel will be informed of the identity of students with other communicable diseases required to be reported.

Any employee who is informed of or becomes aware of the student's condition shall respect and maintain that student's right of privacy and the confidentiality of his or her records and may not share that information unless specifically permitted to do so by the health director, the student's parent or guardian or by other applicable state or federal laws or regulations. Permission from a parent or guardian to share a student's HIV status with other school personnel must be in writing. Any documents relating to a student's HIV or AIDS infection will be retained in a locked cabinet separate from the student's other school records and medical records and will be released or shared only as necessary to comply with this policy. Employees who are informed of the student's condition will also be provided with appropriate information concerning necessary precautions and will be made aware of the strict confidentiality requirements. If an employee releases this type of confidential information or record, except as permitted by law, the employee will have committed a misdemeanor and may be subject to further discipline.

In order to address the needs of the student within the school environment, school employees are required to notify the principal if they are aware or become aware of any student suffering from a communicable disease other than HIV infection. Parents will be encouraged to notify the principal as well.

Students who are immunodeficient, whether due to AIDS or other causes, face an increased risk of severe complications from exposure to communicable diseases that appear in the school setting. Although students with an HIV infection are not required to notify school staff of their HIV status, students and their parents or guardians are encouraged to inform the principal if a student suffers from this immunodeficiency. Students who are immunodeficient because of other communicable diseases, and their parents, are also encouraged to inform the principal.

If notified that a student suffers from an immunodeficiency, the principal shall request that the notifying party provide information about what types of exposures might put the student at risk and what reasonable practices can be taken in the school setting to minimize risk to the student. Whenever possible, the principal of a school should notify

the parents or guardians of an infected or immunodeficient student (or the student himself or herself, where appropriate) about the presence of chicken pox, influenza, meningococcus, measles, tuberculosis or other contagious diseases occurring in the school that may present a serious threat to the student's health. Students who are removed from school as a result of such conditions will be provided instruction in an appropriate alternative educational setting.

E. EDUCATION/SCHOOL ATTENDANCE FOR STUDENTS WITH AIDS/HIV INFECTION

Students with an AIDS or HIV infection will be permitted to attend school without special restrictions except in accordance with 10A N.C.A.C. 41A .0201-.0204 and this subsection.

When the local health director notifies the superintendent that a student with AIDS or HIV infection may pose a significant risk for transmission, the superintendent, in consultation with the local health director, shall appoint an interdisciplinary committee, within three days, in accordance with state health regulations and procedures established by the superintendent. The committee shall consult with the local health director regarding the risk of transmission and advise the superintendent regarding the placement of the student. The committee will include appropriate school system personnel, medical personnel, and the student's parent or guardian and may include legal counsel. The parent may request additional participants as necessary to appropriately evaluate the risk. The health director will be responsible for determining whether to add additional members requested by the parents. The superintendent shall inform the board whenever a committee has been formed and shall advise the board of the professional composition of the committee.

The interdisciplinary committee shall review each case individually in consultation with the local health director to determine (1) the degree to which the student's conduct or presence in school exposes others to possible transmission or other harm and (2) what risk the school environment may pose to the infected student. If the local health director concludes that a significant risk of transmission exists in the student's current placement, the committee must determine whether an appropriate adjustment can be made to the student's school program to eliminate this risk. If that is not possible, the student will be provided instruction in an appropriate alternative educational setting that incorporates protective measures required by the local health director.

The committee shall reevaluate the student's condition and placement every quarter. The current placement shall continue until the local health director determines that the student's condition has changed such that the current placement is not appropriate. When such a determination has been made the committee shall recommend the appropriate educational placement to the superintendent.

If the administrative or instructional personnel on the committee determine that the student has limited strength, vitality or alertness due to a chronic or acute health problem

that adversely affects the student's educational performance, they must refer the student for possible identification and placement as a student with special needs.

All deliberations of the interdisciplinary committee will be kept strictly confidential and shared only as allowed by law. Any student records related to the deliberations of the committee will be retained in a locked cabinet separate from the student's other school records and medical records.

Legal References: G.S. 115C-36, 130A-136, -142 to -144, -152 to -157; 10A N.C.A.C. 41A .0201 through .0204

Cross References: Comprehensive Health Education Program (policy 3540), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262)

Adopted: June 14, 2010

CHILD ABUSE – REPORTS AND INVESTIGATIONS

Policy Code: **4240/7312**

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

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

The report may be made orally, by telephone, or in writing. The report shall include information as is known to the employee making it including the name and address of the child; the name and address of the child's parent, guardian, or caretaker; the age of the child; the names and ages of other children in the home; the present whereabouts of the child if not at the home address; the nature and extent of any injury or condition resulting from abuse, neglect, or dependency; and any other information which the employee making the report believes might be helpful in establishing the need for protective services or court intervention.

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

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

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

The superintendent shall develop any necessary procedures for reporting suspected child abuse,

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-318.2; 115C-400, -402

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

Adopted: June 14, 2010

NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Policy Code: 4250/5075/7316

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking or human trafficking to prevent a victim's assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant's actual address.

A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General's Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address.

B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system and will be redacted from any record released pursuant to G.S. 115C-320. (See policies 5070/7350, Public Records – Retention, Release and Disposition, and 7820, Personnel Files.)

C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public. Student records will reflect only the substitute address and not the student's actual address. The student's telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student's name be withheld from any release of directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by

the Address Confidentiality Program to ensure confidentiality of the student's new location.

D. DISCLOSURE PROHIBITED

The knowing and intentional disclosure of a program participant's actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Other Resources: *Address Confidentiality Program – Student Records* and *Address Confidentiality Program – Employee Records* (August 21, 2003) (Office of Attorney General Roy Cooper), available at <http://www.ncwise.org/generaldocs.html>

Adopted: June 14, 2010

The board is committed to the safety of students, school employees and other persons on school property. In order to create and maintain a safe school environment and to comply with G.S. 14-208.18, the board establishes the following policy provisions.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender subject to policy 5022, Registered Sex Offenders, is expressly prohibited from (1) knowingly being present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, buses and other property, and (2) attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

A student subject to policy 5022, Registered Sex Offenders, who is receiving educational services on school grounds must comply with the requirement that he or she be supervised by school personnel at all times.

B. EDUCATIONAL SERVICES FOR STUDENT SEX OFFENDERS

1. If permitted by the board, a student who is subject to Section A of this policy and is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the board.
2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with subsection B.4.b. of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2), the board will consider whether there are alternative education services that may be offered to the student.
4. If the board determines that a student will be provided with educational services on school property, the student must be supervised by school personnel at all times.
5. If a student subject to this policy violates the conditions and restrictions placed on the student by the board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in Section D of policy 4300, Student Behavior Policies, and any applicable provisions of the Code of Student Conduct.
6. If a student subject to this policy is a student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -208.19; 115C art. 9; 115C-378, -390.2, -390.11(a)(2)

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted: 11 July 2011

The board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the board directs school employees to comply with the concussion safety requirements for interscholastic athletic competition established by G.S. 115C-12(23) as amended in the Gfeller-Waller Concussion Awareness Act of 2011, and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies for middle and high schools. The superintendent or designee shall develop a plan consistent with state requirements and shall implement and monitor compliance with this policy. The superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

A. DEFINITION OF CONCUSSION

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

B. SCHOOL HEAD INJURY INFORMATION SHEET

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer, or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices, or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy.

C. REMOVAL FROM AND RETURN TO PLAY

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-12(23) and any other applicable law or State Board policy.

D. EMERGENCY ACTION PLANS

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment, and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed, and rehearsed in accordance with G.S. 115C-12(23), and (5) compliant with any other requirements of state law and State Board policy.

E. RECORD KEEPING

The superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The superintendent's annual report to the board on compliance with laws and policies related to student wellness shall include a report on the system's compliance with laws and policies related to concussions and head injuries. (See Section G of policy 6140, Student Wellness.)

Legal References: G.S. 115C-12(23); S.L. 2011-147

Cross References: Student Wellness (policy 6140)

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website http://tbicenter.unc.edu/MAG_Center/Home.html; *Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels*, N.C. Department of Public Instruction (2011), available at <http://www.ncleg.net/documentsites/committees/JLEOC/Reports%20Received/2011%20Reports%20Received/Study%20of%20Sports%20Injuries%20at%20Middle%20and%20High%20School%20Levels.pdf>

Adopted: 13 January 2014

All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior or drug/alcohol policy violations; and (4) required procedures for addressing misbehavior.

A. PRINCIPLES

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly and inviting environment.
2. Positive behavioral interventions will be employed as appropriate to improve student behavior.
3. Responsibility, integrity, civility and other standards of behavior will be integrated into the curriculum.
4. Disruptive behavior in the classroom will not be tolerated.
5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior and to develop self-control.
6. Strategies and consequences will be age and developmentally appropriate.

B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. Each school shall create a student behavior management plan that will elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences (see policy 4302, School Plan for Management of Student Behavior). The

Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct or disciplinary measures identified in individual school behavior plans developed in accordance with policy 4302, provided such measures are consistent with law and board policy. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

C. APPLICABILITY

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during or after school hours;
2. while on any bus or other vehicle as part of any school activity;
3. while waiting at any school bus stop;
4. during any school-sponsored activity or extracurricular activity;
5. when subject to the authority of school employees; and
6. at any place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

D. CONSEQUENCES FOR VIOLATIONS

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

- a. parental involvement, such as conferences;
- b. isolation or time-out for short periods of time;
- c. behavior improvement agreements;
- d. instruction in conflict resolution and anger management;
- e. peer mediation;
- f. individual or small group sessions with the school counselor;
- g. academic intervention;
- h. in-school suspension;
- i. detention before and/or after school or on Saturday;
- j. community service;
- k. exclusion from graduation ceremonies;
- l. exclusion from extracurricular activities;
- m. suspension from bus privileges; and
- n. placement in an alternative school.

The parent or guardian is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent or guardian is unable to provide transportation, another consequence will

be substituted.

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

E. ENFORCEMENT

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system.

Legal References: G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

Adopted: 11 July 2011

The principal has the authority and responsibility to investigate and take appropriate action regarding any prohibited or criminal student behavior and any other behavior appropriately referred to him or her. The principal is responsible for informing students and parents of any standards or rules that, if violated, could result in short-term or long-term suspension or expulsion.

The teacher has the authority and responsibility to manage student behavior in the classroom and when students are under his or her supervision. The teacher is expected to implement the student behavior management plan and any other school standards or rules. The teacher may develop other standards or rules consistent with the direction provided by the board, superintendent and school principal. Every teacher, student teacher, substitute teacher, voluntary teacher, teacher assistant or other school employee is required to report to the principal all acts of violence occurring in school, on school grounds or at any school-sponsored activity.

Teachers and other school personnel have the authority to manage or remove disruptive or dangerous students from the classroom and other locations within the school building. School personnel may use reasonable force to control behavior or to remove a person from the scene in those situations when necessary:

1. to correct students;
2. to quell a disturbance threatening injury to others;
3. to obtain possession of a weapon or another dangerous object on the person, or within the control, of a student;
4. for self-defense;
5. for the protection of persons or property; or
6. to maintain order on school property, in the classroom, or at a school-related activity whether on or off school property.

Except as restricted by G.S. 115C-391.1, school personnel may use appropriate seclusion and restraint techniques reasonably needed in the circumstances described above as long as such use is consistent with state law and applicable board policies and procedures. (See policy 4302, School Plan for Management of Student Behavior.)

Students must comply with all directions of principals, teachers, substitute teachers, student teachers, teacher assistants, bus drivers and all other school personnel who are authorized to give such directions during any period of time when they are subject to the authority of such personnel.

Legal References: G.S. 115C-47, -288, -307, -390.3, -391.1

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R)

Adopted: 11 July 2011

SCHOOL PLAN FOR MANAGEMENT OF STUDENT BEHAVIOR

Policy Code:

4302

Each school must have a plan for managing student behavior that incorporates effective strategies consistent with the purposes and principles established in policy 4300, Student Behavior Policies. School officials are encouraged to implement a system of positive behavior support and to seek other positive, innovative and constructive methods of correcting and managing student behavior in an effort to avoid repeated misbehavior and suspension.

A. COMPONENTS OF THE PLAN

The plan should address: (1) the process by which student behavior will be addressed, including any use of a disciplinary committee and the means by which students at risk of repeated disruptive or disorderly conduct are identified, assessed and assisted; (2) positive behavioral interventions and possible consequences that will be used; and (3) parental involvement strategies that address when parents or guardians will be notified or involved in issues related to their child's behavior (see policy 4341, Parental Involvement in Student Behavior Issues).

No school plan for managing student behavior may authorize the use of corporal punishment. Corporal punishment is the intentional infliction of physical pain upon the body of a student as a disciplinary measure. It includes, but is not limited to, spanking, paddling and slapping. The board prohibits corporal punishment, believing that other consequences are more appropriate and effective for teaching self-control. No teacher, substitute teacher, student teacher, bus driver, or other employee, contractor or volunteer may use corporal punishment to discipline any student. Reasonable force that is necessary to protect oneself or others is not considered corporal punishment. (See also policy 4301, Authority of School Personnel.)

Principals shall avoid removing students from the classroom for a long period of time, including in-school or out-of-school suspension, unless necessary to provide a safe, orderly environment that is conducive to learning. The principal is authorized to remove students in accordance with board policies for prohibited or criminal conduct or for other behavior that interferes with a safe, orderly environment.

B. PROCESS FOR DEVELOPING AND EVALUATING THE PLAN

Principals are encouraged to use a team approach in developing and evaluating the school's plan to manage student behavior. On at least an annual basis, the plan should be evaluated based upon data on disciplinary actions taken and the impact on student academic performance. Principals shall report on at least an annual basis to the superintendent and the board on the effectiveness of the plan in minimizing classroom disruptions, referrals to the principal's office and the use of out-of-school suspension. The report also will address the plan's effect on academic performance.

The superintendent also is encouraged to consider, develop and propose new and alternative discipline programs to the board.

Legal References: G.S. 115C-47, -288, -307, -390.1, -390.2, -390.3, -391.1, -397.1

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), Parental Involvement in Student Behavior Issues (policy 4341)

Adopted: 11 July 2011

RULES FOR USE OF SECLUSION AND RESTRAINT IN SCHOOLS

Regulation Code: **4302-R**

The following rules will govern the use of seclusion and restraint by school personnel. As used in this regulation, “school personnel” means employees of the board and any persons working on school grounds or at a school function under a contract or written agreement with the public school system or for another agency to provide educational or related services to students.

A. PHYSICAL RESTRAINT

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student’s body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
2. as reasonably needed to maintain order or to prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;
5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;
6. as reasonably needed to escort a student safely from one area to another;
7. if used as provided for in an IEP, Section 504, or behavior intervention plan; or
8. as reasonably needed to prevent imminent destruction to school or another person’s property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

B. MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a student’s body that restricts freedom of movement or normal access to any portion of the student’s body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504, or behavior intervention plan or as otherwise prescribed by a medical or related service provider;
2. when using seat belts or other safety restraints to secure a student during transportation;
3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;
4. as reasonably needed for self-defense;
5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying down, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

C. SECLUSION

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;
2. as reasonably needed to maintain order or prevent or break up a fight;
3. as reasonably needed for self-defense;
4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or
5. when used as specified in the student's IEP, Section 504, or behavior intervention plan; and
 - a. the student is constantly monitored by an adult in close proximity who is

able to see and hear the student at all times;

- b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the student's IEP, Section 504, or behavior intervention plan;
- c. the confining space has been approved for such use by the local education agency;
- d. the space is appropriately lighted, ventilated, and heated or cooled; and
- e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. ISOLATION

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

- 1. the isolation space is appropriately lighted, ventilated and heated or cooled;
- 2. the duration of the isolation is reasonable in light of the purpose for the isolation;
- 3. the student is reasonably monitored; and
- 4. the isolation space is free from objects that unreasonably expose the student or others to harm.

E. TIME-OUT

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. AVERSIVE PROCEDURES

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. significant physical harm, such as tissue damage, physical illness, or death;
2. serious and foreseeable long-term psychological impairment;
3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:
 - a. electric shock applied to the body;
 - b. extremely loud auditory stimuli;
 - c. forcible introduction of foul substances to the mouth, eyes, ears, nose or skin;
 - d. placement in a tub of cold water or shower;
 - e. slapping, pinching, hitting or pulling hair;
 - f. blindfolding or other forms of visual blocking;
 - g. unreasonable withholding of meals;
 - h. eating one's own vomit; or
 - i. denial of reasonable access to toileting facilities.

The use of aversive procedures in public schools is prohibited.

G. NOTICE, REPORTING AND DOCUMENTATION

1. School staff will promptly notify the principal or designee of any of the following:
 - a. any use of aversive procedures;
 - b. any prohibited use of mechanical restraint;
 - c. any use of physical restraint resulting in observable physical injury to a student;
 - d. any prohibited use of seclusion; or
 - e. any seclusion exceeding 10 minutes or beyond the amount of time specified on a student's behavior intervention plan.
2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident.

3. **Written Report to Parents**

Within a reasonable period of time not to exceed 30 days after the incident, the principal or designee shall also provide the parent or guardian with a written incident report. This report must include the following:

- a. the date, time of day, location, duration, and description of the incident and interventions;
- b. the events or events that led up to the incident;
- c. the nature and extent of any injury to the student; and
- d. the name of a school employee the parent or guardian can contact regarding the incident.

4. **Reporting to State Board**

The board will maintain a record of incidents reported under the procedure described above and will provide this information annually to the State Board of Education.

5. **Non-Retaliation for Reporting**

An employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion or aversive procedure will NOT be discharged, threatened or retaliated against through compensation, terms, conditions, location or privilege of employment by any local board of education or any employee unless the employee knew or should have known that the report was false.

Adopted: July 12, 2010

**DISCIPLINARY ACTION FOR EXCEPTIONAL CHILDREN/
STUDENTS WITH DISABILITIES**

Policy Code:

4307

Disciplinary actions for students identified as exceptional children according to North Carolina guidelines will conform to *Policies Governing Services for Children with Disabilities* as adopted by the State Board of Education. If the *Policies Governing Services for Children with Disabilities* manual does not fully address a particular issue, the director of exceptional children will develop any necessary protocols consistent with state and federal law.

All students with disabilities will be accorded all rights as provided by state and federal law. See also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-390.1; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; *Policies and Procedures for Alternative Learning Programs and Schools, Grades K-12*, State Board of Education Policy GCS-Q-002

Cross References: Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Special Education Programs/Rights of Students with Disabilities (policy 3520)

Adopted: 11 July 2011

All students are expected to demonstrate integrity, civility, responsibility and self-control. This expectation is directly related to the board's educational objectives for students to learn to be responsible for and accept the consequences of their behavior and for students to respect cultural diversity and ideological differences. Integrity, civility, responsibility and self-control also are critical for establishing and maintaining a safe, orderly and inviting environment.

A. PROHIBITED BEHAVIOR

In addition to any standards or rules established by the schools, the following behaviors are in violation of the standards of integrity and civility and are specifically prohibited:

1. cheating, including the actual giving or receiving of any unauthorized assistance or the actual giving or receiving of an unfair advantage on any form of academic work;
2. plagiarizing, including copying the language, structure, idea and/or thought of another and representing it as one's own original work;
3. violating copyright laws, including the unauthorized reproduction, duplication and/or use of printed or electronic work, computer software, or other copyrighted material;
4. cursing or using vulgar, abusive or demeaning language toward another person; and
5. playing abusive or dangerous tricks or otherwise subjecting a student or an employee to personal indignity.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: 17 U.S.C. 101, 102, 106, 107, 110, 117; G.S. 115C-47, -288, -307, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Copyright Compliance (policy 3230/7330), Student Behavior Policies (policy 4300)

Adopted: 11 July 2011

An orderly school environment is necessary for teachers to be able to teach and for students to be able to learn. Students are encouraged to participate in efforts to create a safe, orderly and inviting school environment. Students also are entitled to exercise their constitutional right to free speech as part of a stimulating, inviting educational environment. A student's right to free speech will not be infringed upon; however, school officials may place reasonable, constitutional restrictions on time, place and manner in order to preserve a safe, orderly environment.

Principals and teachers have full authority as provided by law to establish and enforce standards and rules as necessary to create orderly schools and classrooms.

A. PROHIBITED BEHAVIOR

Students are prohibited from disrupting teaching, the orderly conduct of school activities, or any other lawful function of the school or school system. The following conduct is illustrative of disruptive behavior and is prohibited:

1. intentional verbal or physical acts that result or have the potential to result in blocking access to school functions or facilities or preventing the convening or continuation of school-related functions;
2. appearance or clothing that (1) violates a reasonable dress code adopted and publicized by the school; (2) is substantially disruptive; (3) is provocative or obscene; or (4) endangers the health or safety of the student or others (see policy 4316, Student Dress Code);
3. possessing or distributing literature or illustrations that significantly disrupt the educational process or that are obscene or unlawful;
4. engaging in behavior that is immoral, indecent, lewd, disreputable or of an overly sexual nature in the school setting;
5. failing to observe established safety rules, standards and regulations, including on buses and in hallways; and
6. interfering with the operation of school buses, including delaying the bus schedule, getting off at an unauthorized stop, and willfully trespassing upon a school bus.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be

imposed on a student for violations of this policy.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 14-132, -132.2, -288.2, -288.4; 115C-47, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316)

Adopted: 11 July 2011

The Whiteville City Board of Education believes a safe and disciplined learning environment is the first requirement of a high performing school. The implementation of school uniforms will help minimize disruptive behavior, promote respect for oneself and others, build school/community spirit, and, more significantly, help to maintain high academic standards by enhancing the instructional program. The wearing of uniforms will promote the quick identification of intruders on campus. Uniforms will also allow students to focus more acutely on learning by eliminating the distractions of fashion and style. School administration will enforce the policy to ensure the safety of the students and compliance with the dress code policy set forth by the Whiteville City Schools Board of Education.

A. IMPLEMENTATION PROCESS

Students will be required to start wearing uniforms at the beginning of the 2009-10 school year.

B. INFORMATION DISSEMINATION

School officials will communicate information concerning the uniform policy to students, parents, teachers, and the community. This information will include general guidelines for implementation and will be achieved by using one or more of the following: newsletters, parent forums, PTA meetings, School Improvement Team meetings, TV and radio announcements, newspaper, internet, phone, flyers, and posters.

C. GENERAL STUDENT APPEARANCE

In addition to being required to wear school uniforms, all students are to be groomed and dressed appropriately for school and school activities. A student's dress and/or appearance shall:

1. Support, not disrupt, the learning environment;
2. Constitute no threat to health or safety;
3. Be tasteful and unable to be construed as provocative or obscene;
4. Reflect practices of good hygiene and cleanliness.

D. RELIGIOUS BELIEFS – MEDICAL REASONS

Reasonable consideration shall be made for those students who, because of a sincerely held religious belief or medical reason, request a waiver of a particular guideline for dress or appearance. The waiver request shall be made in writing from the parent or guardian and approved by the principal. In considering a waiver request, the principal may request additional documentation from medical officials and/or religious leaders.

E. SPECIAL ACTIVITY ACCOMMODATIONS

Reasonable accommodation shall be made by the principal for students involved in special duties, activities, or projects approved by the school. This may include, but is not limited to athletics, career and technical education, physical education classes, special events, or any other activities that require non-conforming dress on a school campus during a school-sponsored event. In the case of athletics, this includes “spirit-wear” (e.g., Wolfpack t-shirts or athletic team shirts) which shall be worn over regulation uniform shirts/blouses.

F. FINANCIAL CONSIDERATIONS

Parents and/or guardians who have concerns about the affordability of a school uniform should contact the principal. The principal and/or school social worker will assist the family with identifying community resources that may be able to help procure the required school uniforms. The school system will not be responsible for funding uniforms for any students.

G. SCHOOL UNIFORM

The principal will implement the school uniform and appearance policy in a manner that is age and developmentally appropriate. Good judgment in considering issues such as age, developmental stages, and body type are expected of all students, parents, and guardians in the selection of school attire and appearance. The manner of a student’s wear of the school uniform shall be neat, clean, properly fitted, age-appropriate and suitable for the learning environment.

1. SHIRTS/BLOUSES

- a. Solid white, royal “Wolfpack” blue, black, red, or yellow are the only permissible colors for shirts and/or blouses.
- b. Students must wear plain long or short-sleeved golf/polo or woven shirts with a collar. Long-sleeved, button-up shirts will not be worn over the approved uniform shirts.
- c. With the exception of school-approved logos, shirts may have no insignias, logos, labels, words, or pictures.
- d. Shirts must be appropriately sized and tucked in at all times.
- e. Shirts shall be long enough to cover the midriff when sitting or standing. Shirts must cover the chest and back so the chest and the back of the body are not exposed.
- f. Undergarments may not be visible at any time. However, students may wear plain white or school color T-shirts under shirts which may be visible at the neckline of the collar.
- g. See-through or mesh tops that will reveal the body or will reveal undergarments are prohibited.
- h. Clothing shall be worn appropriately (not inside-out or backwards; no rolled up pant legs, etc.) at all times.

2. LIGHTWEIGHT JACKETS/COATS/OVERCOATS

Students may wear sweaters, vests, light jackets, or sweatshirts over school uniforms when appropriate as determined by the school administration. Hooded jackets are permitted, but hoods may not be worn in the building as this is considered headgear.

3. DRESS PANTS, SHORTS, SKORTS, JUMPERS, CAPRI LENGTH PANTS, DRESSES

- a. Solid khaki or dark navy colors are the only permissible color for these uniform items.
- b. No blue jeans are allowed.
- c. Must be free of graphics and embroidery. With the exception of small labels, they may not have insignias, logos, words, or pictures.
- d. Shorts, skirts, skorts and jumpers shall be modest and of sufficient length as determined by the principal.
- e. No pants or shorts with enlarged pockets. Pockets must not be of the “cargo” type and must not include zippers, buttons, Velcro closures, straps, or snaps. Pants are limited to no more than two front and two rear pockets. Watch pockets are not considered a pocket.
- f. Clothing must be appropriately sized. No baggy or sagging pants or shorts are allowed. No “low rise” clothing is allowed. Pants must not be worn with the waistband below the hipbone.
- g. Garments cannot have frays and must be hemmed and not dragging the floor.
- h. Garments that do not fit properly will not be tolerated, including oversized, undersized, and skintight garments. Form-fitting spandex material, nylon, denim, corduroy, and sweat pants are prohibited.
- i. Pants must have zippers, buttons or snaps with the exception of Pre-K through Grade 2 students.
- j. Skirts are limited to no more than four pockets.
- k. Garments may not have more than two slits and the slits cannot exceed four inches above the knee.
- l. Capri pants are allowed but cannot be hip huggers, cannot be skin tight, and the manufactured slit at the bottom of the Capri pant cannot be above the knee.
- m. Pants may not have a slit that exceeds four inches from the bottom of the pant leg.
- n. Pants may not be rolled up in a cuff to simulate Capri pants or shorts.
- o. One-piece jump suits are not allowed.

4. BELTS

- a. Students in grades 3 through 12 must wear belts if the garment was manufactured with belt loops. Belts must be with a plain belt buckle that is not over two inches. All belts must be appropriately buckled.
- b. Pre-K through Grade 2 students are not required to wear a belt.
- c. Belts or waistbands must be visible with shirts tucked in except when approved sweatshirts are worn.

- d. Graphics, metal decorations (spikes and studs), or labels are unacceptable on all belts and belt buckles.
- e. Belts must be an appropriate length and not hang below the straddle.

5. SHOES

- a. Shoes shall be worn at all times. As needed, shoes shall conform to special class requirements such as P.E. classes, JROTC, science labs, and any other classes as deemed necessary by the teacher and the principal.
- b. Shoes that have laces shall be laced and tied.
- c. No bedroom shoes shall be allowed.
- d. “Flip-flop” style shoes are not allowed. Sandals are at administrative discretion.
- e. Shoes may not be altered in any way from the manufactured design, style, or functionality.
- f. Shoelaces must match, and any straps must be secured.
- g. Boots that lace up over the pant leg are prohibited.
- h. Shoes with spiked heels are prohibited.
- i. Shoes and boots must be laced up.

6. SOCKS

- a. Both socks must match.
- b. Socks must be worn in a manner that does not undermine the integrity of the uniform.
- c. Socks must be one solid color.
- d. Socks may not be worn over pant legs.
- e. Female students may wear flesh-colored pantyhose and knee-high stockings.

7. JEWELRY

- a. Students may not wear large pendants or medallions. Jewelry designed to be worn around the neck must be worn beneath the shirt/blouse of the uniform at all times.
- b. No adornment is allowed that reasonably could be perceived as, or used as, a weapon. This includes, but is not limited to chains, spikes, and certain belt buckles.
- c. Only school activity buttons, approved by the principal are permitted to be worn on a student’s school uniform, purse, book bag, or any other article of clothing or personal article.
- d. Jewelry for body piercing is limited to the earlobes only. No other piercing jewelry may be visible during the school day.
- e. Heavy chains, spiked accessories, excessively large earrings or other heavy jewelry, and jewelry or ornaments affixed to a student’s nose, tongue, lips, teeth, cheek or eyebrow are not allowed.

8. HATS/SUNGLASSES/HEADGEAR

- a. Neither headwear nor sunglasses shall be worn inside school buildings. Head sweatbands are considered headwear for purposes of this school uniform policy.
- b. No bandanas shall be allowed as an article of clothing and shall not be in the possession of any student. Bandanas will be confiscated and may be submitted to law enforcement officials as possible evidence of gang-related activity. School officials will not return bandanas or other items that may be determined to have gang-related purposes upon confiscation.
- c. Hats, do-rags, skull caps, scarves, sweat bands, head bands or other items that may be seen as a disruption to the school setting are prohibited in school during the regular school day.

9. OTHER CLOTHING ITEMS OR ACCESSORIES

- a. No gang-related clothing, accessories, symbols or intimidating manner of dress, as identified by local law enforcement agencies, are allowed.

10. OTHER UNIFORM REQUIREMENTS

- a. Students are expected to be dressed in compliance with the standards for uniforms as established by this policy at all times school is in session.
- b. Students who are taking classes that require a special dress code (such as JROTC or career and technical education internships) may wear that uniform to other classes.
- c. Students who are issued uniforms by the school which are used to represent the school in athletic contests approved by the Principal or other school sponsored activities may be allowed to wear team uniforms as directed by coaches.
- d. Students who take a class at another school must wear the uniform shirt/blouse/top of their home school.
- e. Clothing designed for school athletic events (i.e. cheerleader outfits, etc.) that does not meet the above guidelines shall not be worn during the instructional day unless appropriate additional garments are worn with the outfit.
- f. Attire for special school-related events must be prior-approved by school-based administration as presented by the event coordinator/coach/advisor.

11. PERSONAL APPEARANCE

- a. Combs and other hair grooming items cannot be visible in the hair.
- b. Piercings cannot present a health hazard or cause a disruption to the school environment.
- c. No visible tattoos.

12. MISCELLANEOUS

- a. Uniforms may not be used as a fund raising activity.
- b. Any item that is worn to school must not undermine the integrity of the Uniform Policy, serve as a disruption to the educational process, or present a health hazard to

an individual or his/her peers.

H. ENFORCEMENT

The Principal shall ensure that the policy is enforced in a consistent manner and require the student and the student's parent or guardian to take appropriate action to remedy situations determined to be in conflict with this policy. Disciplinary action shall be taken for violation of the School Uniform Policy in accordance with the Violations & Consequence section of the Whiteville City Schools *Parent/Student Information Guide*. Appropriate disciplinary actions for violations shall include the following:

First Offense:

A first offense shall be considered a Level I violation of the *Parent/Student Information Guide*. Students shall be informed that they have violated the policy. They shall be given the opportunity to change into acceptable clothing by using available clothes at school or by calling a parent/guardian to bring clothes. Parents must be informed in writing of the violation.

Second Offense:

A second infraction of the policy shall be considered a Level II violation of the *Parent/Student Information Guide* and consequences shall be within the scope of that document. These may include up to assignment to the Re-Direct Center. Parents must be informed in writing of the violation.

Third (and additional) Offenses:

A third infraction of the uniform policy shall be considered a Level III violation of the *Parent/Student Information Guide* and consequences shall be within the scope of that document. These may include up to referral to the Alternative Learning Program. Parents must be informed in writing of the violation.

Disciplinary action may vary when a student has a record of other student conduct violations during the current school year. Students who do not comply with the School Uniform Policy also may be excluded from participating in certain school programs, including graduation ceremonies. Copies of the School Uniform Policy shall be made available to students and parents.

Students new to Whiteville City Schools shall be given a two-week grace period from the date of enrollment to obtain and wear the proper school uniforms.

I. ANNUAL REVIEW

This policy may be reviewed annually and revised as necessary by the Board of Education.

Legal References: G.S. 115C-47, -390, -391

Cross References: School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: July 12, 2010

Last Edit: April 2, 2012

Last Edit: November 10, 2014

USE OF WIRELESS COMMUNICATION DEVICES

Policy Code:

4318

The board recognizes that cellular phones and other wireless communication devices have become an important tool through which parents communicate with their children. Therefore, students are permitted to possess such devices on school property so long as the devices are not activated, used, displayed or visible during the instructional day or as otherwise directed by school rules or school personnel. Wireless communication devices include, but are not limited to, cellular phones, electronic devices with internet capability, paging devices, two-way radios and similar devices.

A. AUTHORIZED USE

Administrators may authorize individual students to use wireless communication devices for personal purposes when there is a reasonable need for such communication. Teachers and administrators may authorize individual students to use the devices for instructional purposes, provided that they supervise the students during such use.

Although use generally is permitted before and after school, use of cellular phones and other wireless communication devices may be prohibited on school buses when noise from such devices interferes with the safe operation of the buses. In addition, elementary and middle school students who participate in after-school programs are prohibited from using wireless communication devices during such programs.

B. CONSEQUENCES FOR UNAUTHORIZED USE

School employees may immediately confiscate any wireless communication devices that are on, used, displayed or visible in violation of this policy. Absent compelling and unusual circumstances, confiscated wireless communication devices will be returned only to the student's parent.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

The following factors should be considered when determining appropriate consequences: whether the wireless communication device was used (1) to reproduce images of tests, obtain unauthorized access to school information or assist students in any aspect of their instructional program in a manner that violates any school board policy, administrative regulation or school rule; (2) to bully or harass other students; (3) to send illicit text messages; (4) to take and/or send illicit photographs; or (5) in any other manner that would make more severe disciplinary consequences appropriate.

C. SEARCH OF WIRELESS COMMUNICATION DEVICES

In accordance with policy 4342, Student Searches, a student's wireless communication device and its contents, including, but not limited to, text messages and digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, board policy, the Code of Student Conduct or a school rule. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

D. LIABILITY

Students are personally and solely responsible for the security of their wireless communication devices. The school system is not responsible for the theft, loss or damage of a cellular phone or other personal wireless communication device.

Legal References: G.S. 115C-36, -390.2

Cross References: Student Behavior Policies (policy 4300), Disruptive Behavior (policy 4315), Student Searches (policy 4342)

Adopted: 11 July 2011

The board is committed to creating safe, orderly, clean and inviting schools for all students and staff. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains or that is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products.

A. PROHIBITED BEHAVIOR

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips.

Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean and inviting school environment.

C. SERVICES FOR STUDENTS

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.

D. NOTICE

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; G.S. 14-313; 115C-47, -288, -307, -390.2, -407

Cross References: Student Behavior Policies (policy 4300), Smoking and Tobacco Products (policy 5026/7250)

Adopted: 11 July 2011

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated. The superintendent is responsible for ensuring that this policy is consistently applied throughout the school system.

A. PROHIBITED BEHAVIOR

Students are prohibited from possessing, using, transmitting, selling or being under the influence of any of the following substances:

1. narcotic drugs;
2. hallucinogenic drugs;
3. amphetamines;
4. barbiturates;
5. marijuana or any other controlled substance;
6. synthetic stimulants, such as MDPV and mephedrone (e.g., “bath salts”), and synthetic cannabinoids (e.g., “Spice,” “K2”);
7. any alcoholic beverage, malt beverage, fortified or unfortified wine or other intoxicating liquor; or
8. any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student’s mood or behavior.

Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over-the-counter drugs is not in violation of this policy if such drugs are possessed and used in accordance with policy 6125, Administering Medicines to Students. The principal may authorize other lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

B. CONSEQUENCES

As required by policy 4335, Criminal Behavior, the principal must report to the

appropriate law enforcement agency any student who has used or possessed prohibited substances in violation of this policy.

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 18B-301; 20-11(n1); ch. 90 art. 5; 115C-47, -276, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicines to Students (policy 6125)

Adopted: 11 July 2011

THEFT, TRESPASS AND DAMAGE TO PROPERTY

Policy Code:

4330

The board will not tolerate theft, trespass or damage to property by any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Theft

Students are prohibited from stealing or attempting to steal school or private property and/or from knowingly being in possession of stolen property.

2. Damage to Property

Students are prohibited from damaging or attempting to damage school or private property.

3. Trespass

Students are prohibited from trespassing on school property. A student will be considered a trespasser and may be criminally prosecuted in any of the following circumstances:

- a. the student is on the campus of a school to which he or she is not assigned during the school day without the knowledge and consent of the officials of that school;
- b. the student is loitering at any school after the close of the school day without any specific need or supervision; or
- c. the student has been suspended from school but is on the property of any school during the suspension period without the express permission of the principal.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 14-60, -87, -87.1, -132, -132.2; 115C-47, -276(r), -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Criminal Behavior (policy 4335)

Adopted: 11 July 2011

ASSAULTS, THREATS AND HARASSMENT

Policy Code:

4331

The board will not tolerate assaults, threats or harassment from any student. Any student engaging in such behavior will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Assault

Students are prohibited from assaulting, physically injuring, attempting to injure or intentionally behaving in such a way as could reasonably cause injury to any other person. Assault includes engaging in a fight.

2. Threatening Acts

Students are prohibited from directing toward any other person any language that threatens force, violence or disruption, or any sign or act that constitutes a threat of force, violence or disruption.

Bomb and terrorist threats are also addressed in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

3. Harassment

Students are prohibited from engaging in or encouraging any form of harassment, including bullying of students, employees or other individuals on school grounds or at school-related functions. Harassment is unwanted, unwelcome and uninvited behavior that demeans, threatens or offends the victim and results in a hostile environment for the victim. The hostile environment may be created through pervasive or persistent misbehavior or a single incident if sufficiently severe.

Harassment and bullying are further defined in policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Complaints of harassment will be investigated pursuant to policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure. For incidents of misbehavior that do not rise to the level of harassment, see policy 4310, Integrity and Civility, which establishes the expectation that students will demonstrate civility and integrity in their interactions with others.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with

Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

A student who is long-term suspended or reassigned to alternative education services as a result of assaulting or injuring a teacher shall not return to that teacher's classroom without the teacher's consent.

Legal References: G.S. 14-33, -34 through -34.2; 115C-47, -276(r), -288, -307, -390.2, -390.7

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333)

Adopted: 11 July 2011

WEAPONS, BOMB THREATS, TERRORIST THREATS AND CLEAR THREATS TO SAFETY

Policy Code:

4333

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- a. loaded and unloaded firearms, including guns, pistols and rifles;
- b. destructive devices as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades and mines;
- c. knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
- d. slingshots and slungshots;
- e. leaded canes;
- f. blackjacks;
- g. metal knuckles;
- h. BB guns;
- i. air rifles and air pistols;
- j. stun guns and other electric shock weapons, such as tasers;
- k. icepicks;
- l. razors and razor blades (except those designed and used solely for personal shaving);
- m. fireworks; and

- n. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle or use such an item must notify a teacher or the principal immediately.

This section does not apply to board-approved and authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to

the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- a. theft or attempted theft by a student from another person by using or threatening to use a weapon;
- b. the intentional and malicious burning of any structure or personal property, including any vehicle;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless or negligent act that results in the death of another person;
- g. confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
- k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North

Carolina General Statutes;

- l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2, -277.5; ch. 90 art. 5; 115C-47, -276(r), -288, -307, -390.1, -390.2, -390.10; State Board of Education Policy HRS-A-002

Cross References: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: 11 July 2011

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

If necessary, the superintendent and principal may take reasonable measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or related to school activities. Depending upon the circumstances, including the nature of the alleged crime, the child's age, and the publicity within the school community, reasonable efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

B. REPORTING CRIMINAL BEHAVIOR

The principal must report immediately to law enforcement officers and the superintendent the following acts when the principal has personal knowledge or actual notice from others that such acts occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents or guardians of students who are alleged to be victims of any of the above-mentioned acts.

The principal must also report immediately to law enforcement officers the following additional acts occurring on school property: (1) assault on school officials, employees and/or volunteers; (2) homicide, including murder, manslaughter and death by vehicle; (3) robbery; (4) robbery with a dangerous weapon; (5) unlawful, underage sales, purchase, provision, possession or consumption of alcoholic beverages; (6) making bomb threats or engaging in bomb hoaxes, possession of explosives or abetting a minor to

possess explosives; and (7) willfully burning a school.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7151; G.S. 14-17, -18, -27.2 to -27.5, -32, -33, -34 to -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.1, -269.2; ch. 90 art. 5; 115C-288(g); State Board of Education Policy HRS-A-000

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Adopted: July 12, 2010

The board is committed to creating a safe, orderly environment for students and employees. Principals are authorized and responsible for investigating conduct that may violate a board policy, school standard, school rule or the Code of Student Conduct.

All employees and students, including students alleged to have engaged in misconduct, are expected to respond fully and truthfully to any questions or issues raised in the course of the investigation and any related proceedings.

Any student who has violated a board policy, school standard, school rule or the Code of Student Conduct must accept the consequences for his or her misbehavior. All consequences must be administered in a fair and nondiscriminatory manner.

The school administrator shall take the following steps in addressing all cases of alleged misbehavior appropriately referred to his or her office:

1. investigate the facts and circumstances related to the alleged misbehavior;
2. offer the student an opportunity to be heard on the matter; and
3. determine whether a board policy, school standard, school rule or the Code of Student Conduct has been violated.

If a violation has occurred, the school administrator shall implement an appropriate consequence in accordance with the school's plan for managing student behavior, the Code of Student Conduct, or applicable board policy. Parents are to be notified and involved in accordance with policy 4341, Parental Involvement in Student Behavior Issues.

When the misbehavior may result in a suspension or an expulsion from school, procedures provided in related board policies also will apply. See policy 4351, Short-Term Suspension, and policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

A student with disabilities recognized by Section 504 of the Rehabilitation Act of 1973 or the Individuals with Disabilities Education Act (IDEA) will be accorded all rights granted by federal and state laws and regulations (see policy 4307, Disciplinary Action for Exceptional Children/Students with Disabilities).

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-47, -288, -390.4, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of

Student Behavior (policy 4302), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Parental Involvement in Student Behavior Issues (policy 4341), Student Searches (policy 4342), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: 11 July 2011

PARENTAL INVOLVEMENT IN STUDENT BEHAVIOR ISSUES

Policy Code:

4341

The board recognizes the need for parents and guardians to work with school employees in helping students to learn and practice acceptable standards of behavior. School employees are directed to encourage parents to participate in discussions on effective strategies for correcting misbehavior and appropriate consequences for violations of board policies, the Code of Student Conduct, and other school standards and school rules.

School employees are expected, as part of their school's student behavior management plan, to identify strategies that involve parents. At a minimum, the plan must provide for inviting parents to conferences whenever there are repeated violations of board policies, the Code of Student Conduct, school standards or school rules or whenever there is a serious violation that may result in removing the student from his or her regular educational environment for any extended period of time. Parents also have the right to inspect or obtain copies of student records as provided in policy 4700, Student Records.

When the principal decides to impose a short-term suspension, the principal shall:

1. notify the parent in accordance with Section C of policy 4351, Short-Term Suspension;
2. maintain documents and relevant information that he or she receives about the misbehavior for review with the parent, taking into account the rights of other students or staff that may be involved;
3. make reasonable efforts, if appropriate, to meet with the parent before or at the time the student returns to school after any suspension; and
4. make available a copy of this policy, the Code of Student Conduct, and all other applicable board policies, school standards and school rules.

When a short-term suspension has been imposed, the principal shall inform the parent of the student's rights under policy 4351, Short-Term Suspension.

When the principal decides to recommend a long-term suspension, a 365-day suspension or an expulsion, the principal shall inform the parent of the student's rights, as outlined in policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. If English is the second language of the parent or guardian, the principal shall provide the notice in English and also in the parent's or guardian's first language when the appropriate foreign language resources are available.

All records of parental contact should be maintained in the student's records and retained at least through the end of the school year.

Legal References: G.S. 115C-47, -390.5, -390.6, -390.7, -390.8, -390.10, -390.11

Cross References: Parental Involvement (policy 1310/4002), Short-Term Suspension (policy 4351), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Adopted: 11 July 2011

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the board or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. The scope of the search and the methods used to conduct the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

1. Searches of Personal Effects

School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. Policy 4318, Use of Wireless Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be

conducted.

2. Searches of Motor Vehicles

School officials may search the interior of a student's motor vehicle.

3. "Pat-down" Searches

A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official of the same gender with an adult witness present.

4. More Intrusive Personal Searches

More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same gender, with an adult witness of the same gender present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.

5. Metal Detector Searches

Except as provided in Section B.2, below, a metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

B. SUSPICIONLESS GENERAL SEARCHES

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches, school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug

activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will be conducted.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

1. Searches of Desks and Lockers

School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

2. Point-of-Entry Metal Detector Searches

Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. Use of Trained Dogs

With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

C. SEIZED ITEMS

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

D. FAILURE TO COOPERATE

A student's failure to cooperate with a reasonable search or seizure as provided in this

policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

E. NOTICE

School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.

Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2

Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for Management of Student Behavior (policy 4302), Use of Wireless Communication Devices (policy 4318), School-Level Investigations (policy 4340)

Adopted: 13 January 2014

A. RETENTION OF RECORDS AND REPORT OF DATA

The principal shall retain in each student's file, either in paper or electronic form, all records related to violations of board policies, the Code of Student Conduct, school standards or school rules.

As required by law, the superintendent shall maintain the following data on each student who was suspended for more than 10 days, reassigned for disciplinary reasons, expelled or to whom corporal punishment was administered: race, gender, age, grade level, ethnicity, disability status, type of incident or offense, duration of the suspension, whether alternative education services were provided, and whether the student had multiple suspensions in that academic year.

As secretary to the board, the superintendent also shall maintain records from the board's considerations of 365-day suspensions and expulsions and any readmission reconsiderations of 365-day suspensions and expulsions.

The superintendent shall ensure that data on disciplinary incidents is reported using the North Carolina Window on Education (NC WISE) system in accordance with State Board of Education policies and procedures.

B. DISCLOSURE OF RECORDS

Confidential student records concerning conduct that posed a significant safety risk to the student or others in the school community may be disclosed to teachers and school officials, including teachers and school officials in other schools, who have legitimate educational interests in the behavior of the student.

C. REMOVAL OF RECORDS**1. End of Year Removal**

The following types of discipline records may not be removed from student records, electronic files and databases at the end of the school year:

- a. notice of any suspension for a period of more than 10 days and the record of the conduct for which the student was suspended;
- b. notice of any expulsion under G.S. 115C-390.11 and the record of the conduct for which the student was expelled; and
- c. any records (including of in-school suspensions or short-term suspensions) that need to be maintained in order to be able to serve the student

appropriately or to protect the safety of others.

2. Expunging Records

The superintendent or designee shall expunge any record of suspension for a period of more than 10 days or expulsion if the following criteria are met:

- a. a request that the record be expunged is made to the superintendent or designee by the student's parent or guardian, or by the student if the student is at least 16 years old or is emancipated;
- b. the student either graduates from high school or is not suspended or expelled again during the two-year period commencing on the date of the student's return to school after the expulsion or suspension; and
- c. the superintendent or designee determines that the maintenance of the record is no longer needed to adequately serve the child or to maintain safe and orderly schools.

In addition, the superintendent may expunge any notice of suspension or expulsion from a student's official record provided that criteria b. and c. above are met.

This section is not intended to limit parents' right to request removal of information from a student's record under policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g(h), 34 C.F.R. 99.31, 99.36; G.S. 115C-47, -276(r), -390.4, -390.7, -390.8, -390.10, -390.11, -390.12, -402

Cross References: Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Student Records (policy 4700)

Other References: *North Carolina Discipline Data Reporting Procedures*, N.C. Department of Public Instruction Program Monitoring and Support Division (March 2011)

Adopted: 11 July 2011

A short-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for up to 10 school days. A short-term suspension does not include (1) the removal of a student from class by the classroom teacher, the principal or other authorized school personnel for the remainder of the subject period or for less than one-half of the school day or (2) the changing of a student's location to another room or place on the school premises. A student who is placed on a short-term suspension will not be permitted to be on school property or to take part in any school function during the period of suspension without prior approval from the principal.

The principal or designee has the authority to determine when a short-term suspension is an appropriate consequence and to impose the suspension, so long as all relevant board policies are followed.

In accordance with G.S. 115C-390.6(e) and 115C-45(c)(1), a student is not entitled to appeal the principal's decision to impose a short-term suspension to either the superintendent or the board unless it is appealable on some other basis.

A. PRE-SUSPENSION RIGHTS OF THE STUDENT

Except in the circumstances described below, a student must be provided with an opportunity for an informal hearing with the principal before a short-term suspension is imposed. The principal may hold the hearing immediately after giving the student oral or written notice of the charges against him or her. At the informal hearing, the student has the right to be present, to be informed of the charges and the basis for the accusations against him or her, and to make statements in defense or mitigation of the charges.

The principal may impose a short-term suspension without first providing the student with an opportunity for a hearing if the presence of the student (1) creates a direct and immediate threat to the safety of other students or staff or (2) substantially disrupts or interferes with the education of other students or the maintenance of discipline at the school. In such cases, the principal shall give the student notice of the charges and an opportunity for an informal hearing as soon as practicable.

B. STUDENT RIGHTS DURING THE SUSPENSION

A student under a short-term suspension must be provided with the following:

1. the opportunity to take textbooks home for the duration of the suspension;
2. upon request, the right to receive all missed assignments and, to the extent practicable, the materials distributed to students in connection with such assignments; and
3. the opportunity to take any quarterly, semester or grading period examinations

missed during the suspension period.

C. NOTICE TO PARENT OR GUARDIAN

When imposing a short-term suspension, the principal or designee shall provide the student's parent or guardian with notice that includes the reason for the suspension and a description of the student conduct upon which the suspension is based. The principal or designee must give this notice by the end of the workday during which the suspension is imposed when reasonably possible, but in no event more than two days after the suspension is imposed. If English is the second language of the parent, the notice must be provided in English and in the parent's primary language, when the appropriate foreign language resources are readily available. Both versions must be in plain language and easily understandable.

The initial notice may be by telephone, but it must be followed by timely written notice. The written notice must include all of the information listed above and may be sent by fax, e-mail or any other method reasonably designed to give actual notice. School officials also shall maintain a copy of the written notice in the student's educational record.

Multiple short-term suspensions for a student with disabilities will be addressed in accordance with the *Policies Governing Services for Children with Disabilities* and other applicable state and federal law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9; 115C-45 (c); 115C-47, -276(r), -288, -307, -390.1, -390.2, -390.5, -390.6; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

Cross References: School Safety (policy 1510/4200/7270), School Plan for Management of Student Behavior (policy 4302), School-Level Investigations (policy 4340), Parental Involvement in Student Behavior Issues (policy 4341), Removal of Student During the Day (policy 4352)

Adopted: 11 July 2011

The principal is authorized to impose out-of-school short-term suspensions in accordance with board policy.

The principal may remove from school grounds a student who has been suspended during the school day, under any of the following circumstances:

1. the parent has been notified and is able to make arrangements for the student to leave the school or agrees to the student's using public transportation or driving himself or herself home;
2. the parent has been notified and is available to receive the student, and the principal is able to arrange for transportation from the school to the home; or
3. the principal involves law enforcement in the removal of the student from school grounds because such action is necessary to provide a safe, orderly school environment.

If none of these circumstances exists, the suspension will begin on the next school day.

Legal References: G.S. 115C-47, -288, -390.3, -390.5, -391.1

Cross References: Short-Term Suspension (policy 4351)

Adopted: 11 July 2011

LONG-TERM SUSPENSION, 365-DAY SUSPENSION, EXPULSION

Policy Code:

4353

A. DEFINITIONS

1. Superintendent

For purposes of this policy, superintendent includes the superintendent and the superintendent's designee.

2. Principal

For purposes of this policy, principal includes the principal and the principal's designee.

3. Long-Term Suspension

A long-term suspension is the disciplinary exclusion of a student from attending his or her assigned school for more than 10 school days. Disciplinary reassignment of a student to a full-time educational program that meets the academic requirements of the standard course of study established by the State Board of Education and that provides the student with the opportunity to make timely progress toward graduation and grade promotion is not a long-term suspension requiring the due process procedures set out in this policy.

Upon the recommendation of the principal, the superintendent may impose a long-term suspension on a student who willfully engages in a serious violation of the Code of Student Conduct and the violation either (1) threatens the safety of students, staff or school visitors, or (2) threatens to substantially disrupt the educational environment. The principal may recommend long-term suspension for a minor violation if aggravating circumstances justify treating the student's behavior as a serious violation.

If the offense leading to the long-term suspension occurred before the final quarter of the school year, the exclusion must be no longer than the remainder of the school year in which the offense was committed. If the offense leading to the long-term suspension occurred during the final quarter of the school year, the exclusion may include a period up to the remainder of the school year in which the offense was committed and the first semester of the following school year.

4. 365-Day Suspension

A 365-day suspension is the disciplinary exclusion of a student from attending his or her assigned school for 365 calendar days. The superintendent may impose a 365-day suspension only for certain firearm and destructive device violations, as

identified in policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety.

5. Expulsion

An expulsion is the indefinite exclusion of a student from school enrollment for disciplinary purposes. Upon the recommendation of the superintendent, the board may expel a student who is 14 years of age or older for certain types of misbehavior as provided in policy 4325, Drugs and Alcohol, policy 4330, Theft, Trespass and Damage to Property, policy 4331, Assaults, Threats and Harassment, and policy 4333, Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety, if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. Additionally, a student who is subject to policy 4260, Student Sex Offenders, may be expelled if the student's continued presence in school constitutes a clear threat to the safety of other students or employees. During the expulsion, the student is not entitled to be present on educational property and is not considered a student of the school system.

B. DETERMINATION OF APPROPRIATE CONSEQUENCE

1. Principal's Recommendation

The principal may impose a short-term suspension or any other consequence that is consistent with policy 4351, Short-Term Suspension, policy 4302, School Plan for Management of Student Behavior, and the Code of Student Conduct. If the principal determines that a suspension of more than 10 days (either long-term or 365-day) or an expulsion is an appropriate consequence, the principal shall propose the disciplinary penalty based upon a review of the student's culpability and dangerousness and the harm caused by the student, plus any other mitigating or aggravating factors the principal finds relevant.

- a. Culpability of Student – In assessing the culpability of the student for his or her behavior, the principal may consider criteria such as:
 - 1) the student's age;
 - 2) the student's ability to form the intent to cause the harm that occurred or could have occurred; and
 - 3) evidence of the student's intent when engaging in the conduct.
- b. Dangerousness of the Student – In assessing the dangerousness of the student, the principal may consider criteria such as:
 - 1) the student's disciplinary or criminal record related to anti-social

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- behavior or drugs and alcohol;
- 2) whether a weapon was involved in the incident and if a weapon was involved, whether the student had the ability to inflict serious injury or death with the weapon;
 - 3) evidence of the student's ability to cause the harm that was intended or that occurred; and
 - 4) whether the student is subject to policy 4260, Student Sex Offenders.
- c. Harm Caused by the Student – In assessing the severity of the harm caused by the student, the principal may consider criteria such as whether any of the following occurred:
- 1) someone was physically injured or killed;
 - 2) someone was directly threatened or property was extorted through the use of a weapon;
 - 3) someone was directly harmed, either emotionally or psychologically;
 - 4) educational property or others' personal property was damaged; or
 - 5) students, school employees or parents were aware of the presence of a weapon or of dangerous behavior on the part of the perpetrator.

After considering the above factors, the principal shall make a recommendation to the superintendent, stating the nature of the offense, the substance of the evidence involved and the length of suspension recommended. The principal also must consider and make a recommendation as to whether any alternative education services, counseling or other programs should be part of the consequence for violating board policy, the Code of Student Conduct, school standards or school rules.

If the principal recommends a 365-day suspension, he or she must identify the type of firearm or destructive device involved and the evidence substantiating that the student brought it to school grounds or to a school activity or possessed it on school grounds or at a school activity.

If the principal recommends an expulsion, he or she shall identify the basis for determining that there is clear and convincing evidence that the student's continued presence in school constitutes a clear threat to the safety of other

students or employees.

2. Notice to the Student's Parent

The principal must provide to the student's parent written notice of the recommendation for long-term suspension, 365-day suspension or expulsion by the end of the workday during which the long-term suspension or expulsion is recommended when reasonably possible or as soon thereafter as practicable. The notice must be written in plain English and, when appropriate language resources are readily available, also in the parent's native language. The notice must contain the following ten elements:

- a. the notice type, i.e., notice of long-term suspension, 365-day suspension or expulsion;*
- b. a description of the incident and the student's conduct that led to the recommendation;
- c. the specific provision(s) of the Code of Student Conduct that the student allegedly violated;
- d. the specific process by which the parent may request a hearing to contest the decision and the deadline for making the request;*
- e. the process by which the hearing will be held, including all due process rights to be accorded the student during the hearing;
- f. notice of the right to retain an attorney to represent the student in the hearing process;
- g. notice that an advocate, instead of an attorney, may accompany the student to assist in the presentation of the appeal;
- h. notice of the right to review and obtain copies of the student's educational records prior to the hearing;
- i. a reference to policy 4345, Student Discipline Records, regarding the expungement of disciplinary records; and
- j. the identity and phone number of a school employee whom the parent may call to obtain assistance in receiving a Spanish translation of the English language information included in the document.*

*This information must be provided on the notice in both English and Spanish.

3. Superintendent's Decision

The student or student's parent may request a hearing before the superintendent within three days of receiving notice from the principal of the recommendation for long-term suspension, 365-day suspension or expulsion. Any hearing held will follow the hearing procedures outlined in Section A of policy 4370, Student Discipline Hearing Procedures. A decision will be rendered before the long-term suspension is imposed.

If the student or parent makes a timely request for a hearing, the superintendent shall confirm that the charges against the student, if substantiated, could warrant the recommended disciplinary action and shall give the student and parent reasonable notice of the time and place of the hearing.

If neither the student nor the parent appears for a scheduled hearing after being given reasonable notice of the time and place of the hearing, the student and parent are deemed to have waived the right to a hearing.

If the student and parent fail to make a timely request for a hearing or if they waive the right to a hearing by failing to appear for a duly scheduled hearing, the superintendent shall review the circumstances of the recommended long-term suspension. Following this review, the superintendent (1) may impose the long-term or 365-day suspension if it is consistent with board policies and appropriate under the circumstances, (2) may impose another appropriate penalty authorized by board policy or (3) may decline to impose any penalty.

If the student or parent requests a postponement of the hearing, or if the request for the hearing is untimely, the hearing will be scheduled, but the student does not have the right to return to school pending the hearing.

Based on substantial evidence presented at the hearing, the superintendent shall decide whether to uphold, modify or reject the principal's recommendation. The superintendent shall immediately inform the principal of the decision regarding the recommended disciplinary penalty of a long-term or 365-day suspension and, when applicable, of any modifications to the penalty recommended by the principal.

The superintendent shall send notice of the decision via certified mail to the student and parent. The notice must include:

- a. the basis of the decision, with reference to any policies or rules that the student violated;
- b. notice of what information will be included in the student's official record pursuant to G.S. 115C-402;

- c. notice of the student's right to appeal the decision and the procedures for such appeal;
- d. if the decision is to suspend the student for 365 days, notice of the student's right to petition the board for readmission under G.S. 115C-390.12;
- e. if applicable, notice that the superintendent or designee is recommending to the board that the student be expelled and any required notifications related to the expulsion if the student did not already receive such notice from the principal or designee; and
- f. if the student is to be suspended, notice of the superintendent's or designee's decision on whether to offer alternative education services to the student during the period of suspension, and, as applicable, a description of the services to be offered or the reason justifying the superintendent's or designee's decision to deny such services.

Following issuance of the decision, the superintendent shall implement the decision by authorizing the student's return to school upon the completion of any short-term suspension or by imposing the suspension reflected in the decision.

The superintendent shall offer alternative education services to any student who receives a long-term or 365-day suspension unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services are part-time or full-time programs that provide direct or computer-based instruction to allow the student to progress in one or more core academic courses. Such services may include programs described in policy 3470/4305, Alternative Learning Programs/Schools.

The student may appeal to the board the superintendent's decision not to provide alternative education services, as permitted by G.S. 115C-45(c)(2). Any appeal to the board must be made in writing within five days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. In advance of the hearing, the superintendent shall provide to the student and parent and to the board a written explanation for the denial of services along with any documents or other information supporting the decision. The hearing will be conducted pursuant to policy 2500, Hearings Before the Board. The board will provide to the student and parent and to the superintendent written notice of its decision within 30 days of receiving the appeal.

If the superintendent determines that expulsion is appropriate, the superintendent shall submit to the board a recommendation and the basis for the recommendation along with any proposal for alternative education services.

4. Hearings Before the Board

a. Long-Term or 365-Day Suspensions

A student or his or her parent may appeal an imposed long-term or 365-day suspension. The student or parent must appeal to the board in writing within three days of receiving the superintendent's decision. The superintendent shall inform the board chairperson of the request for an appeal and shall arrange in a timely manner a hearing before the board. The suspension need not be postponed pending the outcome of the appeal. The hearing will be conducted pursuant to Section B of policy 4370, Student Discipline Hearing Procedures. The board will provide to the student and parent and to the superintendent written notice of its decision not more than 30 calendar days after receiving the appeal.

b. Expulsions

The student or parent may request a hearing within five days of receiving notice of the superintendent's recommendation that the student be expelled. The hearing will be scheduled with the board within five days of the superintendent's receipt of the hearing request. The superintendent shall notify the student and parent of the date, time and place of the hearing. Any appeal of a long-term or 365-day suspension will be addressed in the same hearing. The hearing will be conducted pursuant to Section B of policy 4370.

If a hearing is not requested by the student or parent, the superintendent shall submit written evidence to support his or her recommendation to the board. The board may elect to request a hearing or to request additional records and documents.

When the board decides to expel a student, the board will document the basis for its determination that there is clear and convincing evidence that the student's behavior indicates that the student's continued presence in school constitutes a clear threat to the safety of other students or employees. The board also will consider and make a written determination of whether alternative education services are to be provided to the expelled student. Regardless of whether the school system provides alternative education services, the board expects school system administrators to work with other agencies to help the student and parent identify other types of services that may be of assistance to the student. The board will send via certified mail to the student's parent a copy of the decision, notification of what information will be included in the student's official record, the procedure for expungement of this information under G.S. 115C-402, and notice of the right to petition for readmission pursuant to G.S. 115C-390.12.

C. EDUCATIONAL SERVICES FOR STUDENTS WITH DISABILITIES DURING LONG-TERM SUSPENSION, 365-DAY SUSPENSION OR EXPULSION

Students with disabilities recognized by the Individuals with Disabilities Education Act will receive educational services during periods of suspension or expulsion to the extent required by *Policies Governing Services for Children with Disabilities* and state and federal law.

D. REDUCING SUSPENSION AND EXPULSION RATES

Though the board believes that suspension or expulsion may be an appropriate and necessary consequence in certain situations, the board also recognizes that excessive use of suspension and expulsion may have a negative impact on academic achievement and graduation rates. Thus, the board encourages school administrators to find ways to reduce suspension and expulsion rates in the schools.

Legal References: U.S. Const. amend. XIV, § 1; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; N.C. Const. art. I, § 19; G.S. 14-208.18; 115C art. 9; 115C-45(c)(2), -47(55), -276(r), -288, -390.1, -390.2, -390.7, -390.8, -390.9, -390.10, -390.11, -390.12, -402; State Board of Education Policy GCS-D-000; *Policies Governing Services for Children with Disabilities*

Cross References: Hearings Before the Board (policy 2500), Alternative Learning Programs/Schools (policy 3470/4305), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Drugs and Alcohol (policy 4325), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Weapons, Bomb Threats, Terrorist Threats and Clear Threats to Safety (policy 4333), Criminal Behavior (policy 4335), School-Level Investigations (policy 4340), Student Discipline Records (policy 4345), Short-Term Suspension (policy 4351), Student Discipline Hearing Procedures (policy 4370)

Adopted: 11 July 2011

APPEALS OF CONSEQUENCES

NO GREATER THAN SHORT-TERM SUSPENSION

Policy Code:

4360

A student may appeal to the superintendent any disciplinary consequence imposed by a school administrator. The appeal must be in writing and must be received by the superintendent within three days of the disciplinary action. The consequence imposed by the school administrator need not be postponed pending the outcome of the appeal. However, the principal or superintendent may decide to postpone the consequence until after the superintendent's review.

The student may submit in writing any statement or evidence to support his or her position. The principal must submit in writing a description of the misbehavior, the board policy, school standard or school rule that was violated, and the basis for the consequence imposed. Unless the superintendent determines that evidence cannot be fairly presented in this manner, the written documents will constitute the record reviewed by the superintendent.

The superintendent must make a written decision within two school days of receiving the documents. The superintendent may uphold, modify or reverse the school administrator's decision. The superintendent may not impose a more severe consequence unless necessary to comply with board policy or unless further investigation brings additional information to light that was not part of the principal's original decision. If the superintendent determines that the student did not violate any board policy, school standard or school rule, any reference to the alleged misbehavior will be removed from the student's record.

The student has no right to a hearing before the board to challenge consequences no greater than a short-term suspension. The student does, however, have the right to petition the board for a hearing. The petition must be in writing and must be received by the superintendent within three days of when the student received the superintendent's decision. After receiving the petition, the board may choose, at its discretion, to grant a hearing. The board will notify the petitioner of its decision whether or not to grant a hearing.

If the board chooses to grant a hearing, the board or panel of the board will review the superintendent's decision and other documents reviewed by the superintendent, including those submitted by the principal or student. The board will review the superintendent's decision to be sure that (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, school standard or rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures required by board policy were followed. Hearing procedures will follow policy 2500, Hearings Before the Board.

Legal References: G.S. 115C-45(c), -47, -391

Cross References: Hearings Before the Board (policy 2500), Short-Term Suspension (policy 4351), Removal of Student During the Day (policy 4352)

Adopted: July 12, 2010

REQUESTS FOR READMISSION OF STUDENTS SUSPENDED FOR 365 DAYS OR EXPELLED

Policy Code:

4362

All requests for readmission of students who have been suspended for 365 days or expelled will be considered in accordance with the procedures set out below.

A. REQUESTS BY STUDENTS SUSPENDED FOR 365 DAYS

A student who is serving a 365-day suspension may submit a request to the superintendent for readmission any time after the 180th calendar day of his or her suspension. Upon receipt of the request, the superintendent or designee shall offer the student an opportunity for an in-person meeting to be held within five days. The student may provide documents in support of the request, such as signed statements from individuals knowledgeable about the student or documents verifying that the student is participating in or has completed counseling or rehabilitation programs. If the student demonstrates to the satisfaction of the superintendent or designee that the student's presence in school no longer constitutes a threat to the safety of other students or employees, the superintendent must readmit the student.

Within 30 days of the student's request, the superintendent or designee shall provide written notice of his or her decision to the student, the student's parents and the board. If the superintendent or designee decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the superintendent or designee rejects the request for readmission, the notice will advise the parents of the right to appeal the decision to the board. Any appeal to the board must be made in writing within five days of receipt of the superintendent's or designee's decision. The superintendent or designee shall inform the board chairperson of the request for an appeal and arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500, Hearings Before the Board. The board will provide to the student, the student's parent and the superintendent or designee written notice of its decision within 30 days of receiving the appeal of the superintendent's or designee's decision.

If the request for readmission is denied, no subsequent requests from that student will be considered during that 365-day suspension.

B. REQUESTS BY EXPELLED STUDENTS

A student who has been expelled may submit a request to the board for readmission any time after 180 calendar days from the start date of the student's expulsion. The board chairperson immediately will forward the request to the superintendent, who shall arrange in a timely manner a hearing before the board. The hearing will be conducted in accordance with policy 2500. After considering the student's request and the superintendent's or designee's recommendation regarding readmission, if the board determines that the student has satisfactorily demonstrated that his or her presence in

school no longer constitutes a clear threat to the safety of other students or employees, the board will readmit the student. The board will notify the student, the student's parents and the superintendent in writing of its decision within 30 days of the submission of the request for readmission.

If the board decides to readmit the student, the notice will include the date of readmission, the school or program to which the student will be assigned and any reasonable restrictions placed on the readmission. If the student was expelled as a result of assaulting or injuring a teacher, the student will not be returned to that teacher's classroom following readmission without the teacher's consent.

If the expelled student's request for readmission is denied, the board will not consider a subsequent request for readmission of that student until six months after the submission of the previous request.

Legal References: G.S. 115C-47, -390.1, -390.12

Cross References: Hearings Before the Board (policy 2500), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: 11 July 2011

A. ADMINISTRATIVE HEARINGS

The rules set out below will govern hearings held by the superintendent in assessing misbehavior and appropriate consequences. The purpose of the hearing will be to determine the facts relevant to the alleged misbehavior and the credibility of witnesses, based on the evidence presented at the hearing.

1. The hearing will be conducted in private.
2. Prior to the hearing, the student and his or her parents and representative will have an opportunity to review any audio or video recordings of the incident and, consistent with federal and state student records laws and regulations, the information that may be presented as evidence against the student, including statements made by witnesses whose names are withheld in accordance with number 5, below.
3. The hearing must be attended by the superintendent, the principal and/or assistant administrators and any persons the superintendent deems necessary. The student has the right to be present at the hearing, to be accompanied by his or her parents and to be represented by an attorney or non-attorney advocate. Witnesses should be present only when providing information.
4. The school representatives have the burden of proving the misbehavior; the violation of board policy, the Code of Student Conduct, school standards or school rules; and the appropriateness of the recommended consequence for the violation.
5. The school representatives will present the witnesses and documentary evidence against the student first. School officials may withhold witness names or other identifying information if identification of a witness could threaten the witness's safety.
6. After the school representatives have presented their evidence, the student or his or her representative may present evidence relating to the alleged disciplinary infraction, the student's intent at the time of the incident, any mitigating or aggravating factors involved, the disciplinary and academic history of the student and the potential benefits to the student of alternatives to suspension. Such evidence may include oral testimony by the student or witnesses, written statements and other documents.
7. Both the school representatives and the student or his or her parent or representative may examine the witnesses presented by the other side. The superintendent has the authority to limit questioning by any person if the

questioning is unproductive, unnecessarily lengthy, repetitive or irrelevant.

8. In reaching a determination in the matter, the superintendent shall consider the documents produced in the hearing, the testimony of the witnesses and other evidence presented at the hearing. If the superintendent determines that a violation occurred, the superintendent also shall determine the appropriateness of the recommended consequences for the violation. Formal rules of evidence do not apply, and the superintendent may rely on evidence that a reasonably prudent person would consider in the conduct of serious affairs.
9. Following the hearing, the superintendent shall render a written decision based on substantial evidence presented at the hearing and shall notify the student and parent of that decision in accordance with the requirements of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.
10. The superintendent or designee shall provide for making a record of the hearing, including any findings or conclusions made by the superintendent. The student will have the right to make his or her own audio recording of the hearing.

B. BOARD HEARINGS

1. Appeal of a Long-Term or 365-Day Suspension

The board will provide the opportunity for a hearing that follows the procedures established for administrative hearings, except that (1) the superintendent or designee will represent the school system and the board or a panel of the board will be the decision maker, and (2) unless the board requests otherwise or doing so would create a substantial threat of unfairness, the board will limit presentations of testimony to the student, the student's parent and representative, and the school system's representative and will limit documentation to the records and evidence presented at the administrative hearing. The board, at its discretion, may request additional information or evidence.

The board will review any records created by the superintendent's decision and the record created from any administrative hearing held. The board will review the superintendent's decision to be sure that: (1) there was a reasonable basis for determining that the student engaged in the specified misbehavior; (2) a board policy, the Code of Student Conduct, a school standard or a school rule was violated; (3) the consequence for the violation was reasonable; and (4) procedures established by board policy were followed.

2. Board Decision on Expulsion

The board will provide an opportunity for a hearing to review the superintendent's recommendation for expulsion. The rules established for administrative hearings will be followed, except that the superintendent or designee will represent the

school system and the board will be the decision maker. The board may request additional records or witnesses. A decision will be made on the superintendent's recommendation following the standards for expulsion established in policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

Legal References: G.S. 115C-45, -47, -276, -288, -390.1, -390.2, -390.7, -390.8

Cross References: Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353)

Adopted: 11 July 2011

Attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily.

In grades 9-12, students are counted absent from each period that they are not in attendance. A student missing more than 30 minutes of any class will be counted as absent from that class.

In grades K-8, students are counted absent from school if they do not arrive before 11:30 a.m. of the school day.

A student is marked tardy if they are not present in the classroom at or before the tardy bell rings for the beginning of the period.

A. ATTENDANCE RECORDS

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

B. EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. An absence may be excused for any of the following reasons.

1. Personal illness or injury that makes the student physically unable to attend school.
2. Isolation ordered by the State Board of Health.
3. Death in the immediate family.
4. Medical or dental appointment.
5. Participation under subpoena as a witness in a court proceeding.
6. A minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s). The student will have the opportunity to make up any tests or other work missed due to the excused absence for a religious observance.

7. Participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal.
8. Pregnancy and related conditions or parenting, when medically necessary.

In addition, a student whose parent or legal guardian (a) is an active duty member of the uniformed services, as defined by policy 4050, Children of Military Families; and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting will be granted additional excused absences at the discretion of the superintendent or designee to visit with his or her parent or legal guardian.

Absences due to extended illnesses generally require a statement from a physician.

In the case of excused absences and short-term out-of-school suspensions, the student will be permitted to make up his or her work. (See also policy 4351, Short-Term Suspension.) 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.

C. SCHOOL-RELATED ACTIVITIES

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);
3. school-initiated and -scheduled activities;
4. athletic events that require early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. in-school suspensions.

Assignments missed for these reasons are eligible for makeup by the student. 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.

D. EXCESSIVE ABSENCES

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class. Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.

The principal shall notify parents and take all other steps required by G.S. 115C-378 for excessive absences. Students may be suspended for up to two days for truancy.

If a student is absent from school for five or more days in a semester, the principal or a committee established by the principal shall consider whether the student's grades should be reduced because of the absences. The principal or committee shall review other measures of academic achievement, the circumstances of the absences, the number of absences, and the extent to which the student completed missed work. A committee may recommend to the principal and the principal may make any of the following determinations:

1. the student will not receive a passing grade for the semester;
2. the student's grade will be reduced;
3. the student will receive the grade otherwise earned; or
4. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made.

Students with excused absences due to documented chronic health problems are exempt from this policy.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 through -383, -390.2(d), -390.5, -407.5; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies TCS-L-000 through -003

Cross References: Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Short-Term Suspension (policy 4351)

Adopted: 11 July 2011

Last Edit: November 10, 2014

Because attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process, the following regulation, designated by school, shall apply to attendance. As prescribed by Policy 4400, the Principal has the final authority to make determinations in attendance matters.

A. WHITEVILLE HIGH SCHOOL (WHS)

1. The principal or the principal's designee shall notify the parent, guardian, or custodian of his or her child's excessive absences after the child has accumulated three (3) unexcused absences in a course (either yearlong course or block course).
2. After three (3) unexcused absences in a course (either yearlong course or block course) the classroom teacher shall follow the directives of Whiteville City School's Attendance Intervention Plan (AIP). The AIP shall be implemented until the student has accumulated ten (10) unexcused absences.
3. After not more than six (6) unexcused absences (either yearlong course or block course), the principal or the principal's designee shall notify the parent, guardian, or custodian by mail that he or she may be in violation of the Compulsory Attendance Law and may be prosecuted if the absences cannot be justified under the established attendance policies of the State and local boards of education.
4. After ten (10) accumulated unexcused absences (either yearlong course or block course), the principal or the principal's designee shall review any report or investigation prepared under G.S. 115C-381 and shall confer with the student and the student's parent, guardian, or custodian, if possible, to determine whether the parent, guardian, or custodian has received notification pursuant to this section and made a good faith effort to comply with the law. If the principal or the principal's designee determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the principal shall notify school social worker of such.
5. If the principal or the principal's designee determines that the parent, guardian, or custodian has not made a good faith effort to comply with the law, the principal, in coordination with the school social worker, may file a complaint with the juvenile court counselor pursuant to Chapter 7B of the General Statutes that the child is habitually absent from school without a valid excuse. In addition, other local agencies, e.g., county social services, may be asked to become involved in the situation.
6. An athlete must have been in attendance for at least 85-percent of the previous semester. For a regular 90-day semester, a student may not miss more than 13

days and be in compliance with the 85-percent rule. At the end of each semester, any participant who has failed to attend school 85-percent of that semester is immediately ineligible. Students may appeal rulings of ineligibility due to attendance. Appeals will be presented to the Athletic Director. A committee, comprised of the Principal, Athletic Director, and a teacher who does not directly instruct the child, will hear the appeal and determine eligibility/ineligibility.

B. GRADES KINDERGARTEN – 8TH GRADE

1. Three (3) unexcused absences will result in the homeroom teacher calling the parents and the school will send a 3-day letter home. The homeroom teacher should document the phone call/contact in PowerSchool.
2. Three (3) tardies will eliminate perfect attendance and the school will send a letter home.
3. Six (6) total unexcused absences will result in a 6-day letter and the School Administration will review the situation.
4. Eight (8) days absences or five (5) parent notes, which ever is met first, will be accepted. Any note after this will require a doctor's note or approval by the principal.
5. Ten (10) unexcused absences will result in a 10-day letter sent home by the school. The School Social Worker will contact the teacher once she receives a copy of the 10-day letter. The teacher will send a copy of the Attendance Intervention Plan (AIP) with documentation to the School Social Worker.
6. Fifteen (15) excused absences or ten (10) unexcused absences may result in a parent meeting with the Attendance Committee.
7. If the attendance contract is broken, the School Social Worker will proceed in accordance with state law.
8. The automated message system will call home when a student is absent from school. (Based on technology available within the LEA)

C. NORTH WHITEVILLE ACADEMY (NWA)

1. NWA will follow the procedures of EES, CMS and/or WHS.

Legal References: G.S. 115C-47, -84.2, -288(a), -375.5, -378 through -383, -390.2(d), -390.5, -407.5; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies TCS-L-000 through -003

Cross References: Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Short-Term Suspension (policy 4351)

Adopted: 14 October 2013

Revised: 11 August 2014

Revised: 13 October 2014

The board will hold student fees to a minimum.

Each principal is required to submit a list of any fees to the superintendent prior to the August board meeting. The superintendent shall adopt procedures providing that student fees, including those for graduation, the school yearbook or supplies for elective classes, are consistent among the different levels and schools. The board must approve all fees. The superintendent shall submit the schedule of approved fees and charges to the superintendent of public instruction.

Any fees imposed will be waived or reduced for students who demonstrate economic hardship. The superintendent shall establish procedures to review requests for fee waivers or reductions.

As provided in policy 1310/4002, Parental Involvement, each principal shall publish or post the schedule of fees and notify students and parents of the availability of and the process for requesting a fee waiver or reduction.

Legal References: N.C. Const. art. IX, § 2(1); G.S. 115C-47(6), -216(g), -384

Cross References: Parental Involvement (policy 1310/4002)

Adopted: 10 December 2012

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of records retained at the school.

A. ANNUAL NOTIFICATION OF RIGHTS

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student's educational records and the procedure for exercising this right;
2. the right to request amendment of the student's educational records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;
8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and
9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

For purposes of this policy, the term “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student’s records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

1. Cumulative Records

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student’s name, address, sex, race, birthplace, and birth date; family data including the parents’ names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and

immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

2. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

3. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

4. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

5. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

6. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them when their usefulness is no longer apparent or when the student leaves the school system.

7. Sole Possession, Employment, and Law Enforcement Records

Student records do not include, and release of information under this policy does not apply to:

- a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;
- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and
- c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. This does not include information obtained from the student's confidential file or other educational records that is contained in a law enforcement record.

D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Records of students participating in the North Carolina Address Confidentiality Program must show only the substitute address provided by the Address Confidentiality Program and must not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

E. RECORDS OF MISSING CHILDREN

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

F. RECORDS OF MILITARY CHILDREN

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by policy 4050, Children of Military Families, are entitled to the following.

1. For Students Leaving the School System

In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the

student's new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

2. For Students Enrolling in the School System

Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT

A parent or eligible student may access the student's records upon proper request. The principal or guidance office personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any educational records if there is an outstanding request to inspect or review the records.

A parent or eligible student has the right to challenge an item in the student record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 1740/4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

Before releasing or disclosing records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

1. Release/Disclosure With Parental Consent

School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by

law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

2. Release/Disclosure Without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

When personally identifiable information from a student's record is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.

The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those educational records in which they have legitimate educational interests.

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement.)

a. The board designates the following student record information as directory information:

- (1) name;
- (2) address;
- (3) telephone listing;
- (4) electronic mail address;
- (5) photograph;
- (6) date and place of birth;

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- (7) participation in officially recognized activities and sports;
 - (8) weight and height of members of athletic teams;
 - (9) dates of attendance;
 - (10) grade level;
 - (11) diplomas (including endorsements earned), industry credentials/certifications, and awards received; and
 - (12) most recent previous school or education institution attended by the student.
- b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released.
 - c. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.
 - d. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:
 - (1) specify the types of organizations that are eligible to receive directory information and for what purposes;
 - (2) provide for equal disclosure to organizations that are similar in purpose; and
 - (3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. DESTRUCTION OF STUDENT RECORDS

School officials shall only destroy student records in accordance with state and federal law and the *Records Retention and Disposition Schedule for Local Education Agencies*. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others.

School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; No Child Left Behind Act, 20 U.S.C. 7908; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Cultural Resources, Division of Archives and History (1999), available at <http://www.ncdcr.gov/Portals/26/PDF/schedules/schoolschedulefinal.pdf>

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: 13 January 2014

CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION

Policy Code: **4705/7825**

The board recognizes the need to protect students and employees from the improper release of social security numbers and other personal identifying information. To this end, the board requires that all school employees comply with the Identity Protection Act of 2005 and any other federal and state laws governing the collection, use and disclosure of personal identifying information. No person may knowingly disclose, transfer or unlawfully use the social security number or other personal identifying information of any employee, student or other individual.

For purposes of this policy, personal identifying information includes: social security numbers; employer taxpayer identification numbers; drivers license numbers; state identification card numbers; passport numbers; checking accounts; savings accounts; credit card and debit card numbers; personal identification (PIN) codes; digital signatures; any numbers or information that can be used to access an individual's financial resources; biometric data; fingerprints; and passwords.

The superintendent shall establish rules and regulations to implement this policy. These rules and regulations will provide that:

1. the confidentiality of social security numbers and personal identifying information is maintained consistent with legal requirements;
2. the unlawful collection, disclosure and use of social security numbers and personal identifying information are prohibited;
3. access to and dissemination of information or documents containing social security numbers and personal identifying information is limited internally within the school system and externally with the general public;
4. documents containing social security numbers and personal identifying information are disposed of properly;
5. social security numbers and personal identifying information are redacted from public documents;
6. social security numbers and personal identifying information are collected only when specifically authorized by law or if collection is imperative for the performance of the school system's duties and such need has been clearly documented;
7. board procedures governing the maintenance and destruction of records are followed for all documents containing social security numbers and other personal identifying information; and
8. in the event of a security breach, in which personal information is accessed and acquired

without authorization, the notice requirements of G.S. 75-65 are followed.

This policy and its rules will be published in the appropriate handbooks, manuals and other similar documents.

Any individual who fails to comply with this policy and the superintendent's rules and regulations will be subject to disciplinary action up to and including suspension or expulsion for students and termination for employees. In addition, such person may be subject to criminal prosecution.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 14-113.20; ch. 75, art. 2A; 132-1.10; 143-64.60

Cross References: Confidential Information (policy 2125/7315), Student Records (policy 4700), Personnel Files (policy 7820)

Adopted: July 12, 2010

CONFIDENTIALITY OF PERSONAL IDENTIFYING INFORMATION

Regulation Code: 4705/7825-R

The following rules govern the collection, use and disclosure of social security numbers and other personal identifying information.

A. COLLECTION

1. Limitation on Collection and Use of Social Security Numbers

Social security numbers and other personal identifying information should only be collected when required or authorized by federal or state law. If a unique identifier is needed, then a substitute for the social security number will be used, such as a system-created student identification number that does not use the social security number.

2. Authorized Purposes for Collection

Social security numbers will be collected only:

- a. for the administration of federal and state income taxes;
- b. for verification of employment eligibility as required by the Immigration Reform and Control Act of 1986;
- c. for Free and Reduced Lunch applications;
- d. if the school system maintained a system of records prior to January 1, 1975, and the disclosure of the social security number was required to verify the identity of an individual;
- e. if it is imperative for the performance of the school system's duties and the need has been plainly documented; or
- f. if the collection and/or use of social security numbers is otherwise authorized by law.

Prior to the collection of a social security number, the school system department or division that requires the number shall provide an individual, upon request, with a statement of the purpose for which the number will be used. The number will be used only for that stated purpose. In addition, any school system department or division that collects social security numbers shall incorporate such numbers in a student or employee's record in a manner that enables them to be easily redacted upon a valid public records request.

Any school form that requires a social security number must include information on why the number is being collected, what authority the school system is acting upon in collecting the number, and whether the disclosure of the number is mandatory or voluntary.

B. DISCLOSURE

The school system shall not intentionally communicate or make available an individual's social security number or other identifying information to the general public.

1. State Mandated Disclosure Restrictions

School system officials shall not do any of the following:

- a. intentionally print or imbed a social security number on any card necessary for an individual to gain access to school services;
- b. require an individual to release a social security number on the Internet unless the Internet connection is secure or the social security number is encrypted;
- c. require an individual to use a social security number to gain access to a website, unless access also requires a password or unique PIN;
- d. print an individual's social security number on any materials that are mailed to the individual, unless required by state or federal law; or
- e. print an individual's social security number on a postcard, or allow a social security number to be visible through an envelope without the letter being opened.

2. Authorized Disclosures

School system officials are authorized to disclose social security numbers and other identifying information to an individual or entity outside of the school system in the following circumstances:

- a. pursuant to a court order, warrant, or subpoena;
- b. for public health purposes as required in Chapter 130A of the General Statutes; or
- c. to another governmental entity if necessary for that entity to perform its duties.

3. Public Records

The presence of identifying information in a public record does not change the nature of the public record. If a social security number or personal identifying information is contained within a document subject to release under the Public Records Law, the social security number or personal identifying information will be redacted or removed, and the public record request will be complied with as promptly as possible.

4. Public Display

Social security numbers or personal identifying information must not be placed on identification cards, badges, time cards, employee rosters, bulletin boards, or any other materials or documents widely viewed by others. In addition, documents, materials or computer screens that display social security numbers or personal identifying information must be kept out of public view at all times.

5. Mailing or Faxing Documents

Documents containing social security numbers or other personal identifying information that must be sent through the mail must not be mailed on a postcard and must be mailed in a manner that does not reveal the number or information through the envelope window or without the envelope being opened.

If a social security number or personal identifying information must be faxed, the fax message must be accompanied by a transmittal sheet that includes a confidentiality notice.

C. ACCESS TO SOCIAL SECURITY NUMBERS OR PERSONAL IDENTIFYING INFORMATION

Only the following individuals within the school system will have access to social security numbers or other personal identifying information:

1. school system personnel, including agents, contractors and consultants, who require access to perform their jobs or otherwise to render services to the board; and
2. members of the board of education, when access is required to carry out the members' duties and responsibilities.

Under no circumstances may any student have access to social security numbers or personal identifying information for other students or any school system personnel.

D. STORAGE AND DISPOSAL

All documents or files that contain social security numbers or personal identifying information must be stored in a physically secure manner. Social security numbers and

personal identifying information must not be stored on computers or other electronic devices that are not secured against unauthorized access.

Documents or other materials that contain social security numbers or other personal identifying information must not be thrown away through usual trash disposal; they must be discarded or destroyed only in manner that protects their confidentiality, such as shredding.

Any disposal of documents must comply with the *Records Retention and Disposition Schedule for Local Education Agencies*.

E. IMPROPER COLLECTION, DISCLOSURE OR USE

Any individual who suspects that improper collection, disclosure or use of a social security number or personal identifying information has occurred shall inform the superintendent or designee.

In the event that a security breach occurs, the affected individual must be notified of the breach. The term “security breach” means an incident of unauthorized access to and acquisition of unencrypted, unredacted records or data containing personal information, when such access (1) results in or is reasonably likely to result in illegal use of the personal information or (2) creates a material risk of harm to the person. In addition, any incident of unauthorized access to and acquisition of *encrypted* records or data containing personal information, along with access to and acquisition of the confidential process or key, will also constitute a security breach. Good faith acquisition of personal information by an employee or agent of the school system for a legitimate business purpose is not considered a security breach, provided that the personal information is not used for a purpose other than a lawful purpose of the school system and is not subject to further unauthorized disclosure.

Notice of a security breach must comply with the provisions of G.S. 75-65, including the following.

1. Notice must be provided immediately upon discovery of the breach, unless a law enforcement agency informs school personnel that providing notice may impede a criminal investigation or jeopardize national or homeland security. Any request by a law enforcement agency to delay notice must be in writing; otherwise the school employee receiving the request must document the request in writing at the time it is made. The documentation must include the name and agency of the requesting officer.
2. The notice must be in writing and may also be done via telephone, provided that the phone contact is made directly with the affected person.
3. The notice must be clear and conspicuous.

4. The notice must include a general description of the security breach and a description of the type of information that was subject to the breach.
5. The notice must include action taken by the school system to protect the personal information from further access.
6. The notice must direct the person to remain vigilant by reviewing his or her personal account statements and monitoring his or her credit reports.
7. The notice must include a telephone number that the person may call for further assistance, if such a number exists.

Any individual who fails to comply with legal requirements, board policy or these regulations will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees, and may also be subject to criminal prosecution.

Adopted: July 12, 2010

The superintendent shall ensure that all notification requirements of the Protection of Pupil Rights Amendment are met, along with any other legal requirements regarding the surveying of students.

A. PROTECTED TOPICS

The school system must obtain prior written consent of a parent or eligible student before the student is required to participate in any Department of Education-funded survey, analysis or evaluation that reveals information concerning the following “protected topics”:

1. political affiliations or beliefs of the student or the student’s parent;
2. mental or psychological problems of the student or the student's family;
3. sex behavior and attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student’s parent; or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Upon request, parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics that are not funded in whole or in part by the Department of Education. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey. Parents also will have the opportunity to opt their children out of participating in the survey(s).

B. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, the school system may collect such information from students if the information is used for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. college or other postsecondary education recruitment or military recruitment;
2. book clubs, magazines and programs providing access to low-cost literary products;
3. curriculum and instructional material used by elementary schools and secondary schools;
4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. the sale by students of products or services to raise funds for school-related or education-related activities; and
6. student recognition programs.

If the school system collects such information from students for the purpose of marketing or selling the information to develop, evaluate, or provide educational products or services as described above, upon request, parents may inspect any instrument used to collect the information before it is administered or distributed to a student.

C. PARENT INVOLVEMENT

The board and superintendent will work with parents to create policies and guidelines concerning: (1) the administration of surveys by third parties; (2) arrangements to protect student privacy in the administration of surveys containing a protected topic; (3) parental rights to review and inspect instructional materials or survey instruments; and (4) the collection, disclosure or use of personal information for marketing or selling purposes.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; G.S. 115C-36

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Student Discipline Records (policy 4345)

Adopted: July 12, 2010

The board recognizes that the public schools are an integral part of the community and that the public has a vested interest in having students develop into productive members of the workforce and of society. The board encourages the community to be involved in the school system and to assist the school system in the goal of providing every student with a sound basic education.

Each year the board will ensure that the report card issued for the school system by the State Board of Education receives widespread distribution to the local press or to other local channels of news and information. In addition, the school system shall publish on its website all information required by law, including performance information and information on how state funds have been used to address local educational priorities.

A. POLICIES

The following policies address the relationship between the school system and the community:

1. Parental Involvement (policy 1310/4002);
2. Public Records – Retention, Release, and Disposition (policy 5070/7350);
3. School Volunteers (policy 5015);
4. Compliance with the Open Meetings Law (policy 2320);
5. Registered Sex Offenders (policy 5022);
6. Distribution and Display of Non-School Material (policy 5210);
7. Community Use of Facilities (policy 5030); and
8. Visitors to the Schools (policy 5020).

B. SCHOOL ADMINISTRATORS

School administrators shall:

1. demonstrate a commitment to working with the community;
2. identify appropriate opportunities for community input;
3. communicate to the public the goals and objectives of the school system and the progress of the school system in meeting those goals and objectives; and

4. provide the public with school progress and performance reports as required by state and federal law.

Legal References: No Child Left Behind Act of 2001, 20 U.S.C. 6318; G.S. 115C-12(9)c3, -36, -47, -83.10, -105.25(c)

Cross References: Parental Involvement (policy 1310/4002), Compliance with the Open Meetings Law (policy 2320), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Community Use of Facilities (policy 5030), Public Records – Retention, Release, and Disposition (policy 5070/7350), Distribution and Display of Non-School Material (policy 5210)

Adopted: 13 January 2014

A. PRINCIPLES

The board encourages the development and participation of parent organizations that support the goals of the board and the school system. The board recognizes that parent organizations are an effective means of involving parents in their child's school. The superintendent and school administrators shall inform parent organizations of specific goals for each school and shall help these organizations identify opportunities to assist the school in achieving these goals.

All personnel are encouraged to cooperate with parent organizations interested in helping with specific school projects. The board recognizes and supports parent organizations as a means of communication between school personnel and parents. Teachers are encouraged to become active members of these organizations and to participate in these projects that relate to the teacher's field of assignment.

B. CONDITIONS FOR ESTABLISHING PARENT ORGANIZATIONS

Parent organizations, including PTAs, PTOs and booster clubs, are not considered a part of the school system. However, because these organizations and their activities reflect upon the school system, all parent organizations must comply with the following conditions in order to operate in conjunction with the schools.

1. All parent organizations must provide the superintendent with a document describing the purpose of the organization and the general rules and procedures by which it will operate. Any later modifications to the organization's purpose or general rules and procedures also must be provided in writing to the superintendent.
2. Parent organizations must obtain prior approval from the school board through the superintendent and principal for any fund-raising event. They must also obtain prior approval from the principal for (a) any purchase for the school; (b) any function involving the participation of students; or (c) any event that is likely to reflect upon the school or the school system.
3. Fliers and other literature displayed or distributed by parent organizations must comply with policy 5210, Distribution and Display of Non-School Material.
4. Parent organizations are responsible for maintaining their own financial records. Employees of the school system are not permitted to manage the affairs of parent organizations during the workday.

5. Parent organizations are expected to consider the cultural diversity and economic differences of students and parents in planning school-related functions.

The superintendent shall grant or deny parent organizations approval to operate at each school. Parent organizations that do not comply with board policies may have approval to operate within the school revoked by the superintendent.

C. DONATIONS TO A SCHOOL OR THE SCHOOL SYSTEM

Any item that a parent organization proposes to contribute to a school must meet all legal requirements, including safety codes. Before accepting a donation of equipment, supplies or funds, the principal must notify the superintendent and ensure that the donation complies with the requirements of policy 8220, Gifts and Bequests. All donated items become the property of the school system. While the intent of the donor will be considered, the school system reserves the right to modify the use of the donation if the needs of students or the school system change.

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

Cross References: Parental Involvement (policy 1310/4002), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: 11 Oct. 2010

The board recognizes the valuable contributions that school volunteers make to the learning process and the educational goals of the school system. Instructional programs are enhanced through the contributions of students' parents, community members, and local business and industry. These volunteers contribute time, resources, and expertise that assist the school system to reach the goal of providing a sound basic education to all children.

The superintendent shall provide for parents to be notified of their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3.

The board encourages school administrators to develop and implement plans and procedures for utilizing school volunteers. The superintendent and designees are responsible for implementing and supervising school volunteer programs. School volunteer programs must provide the following:

1. adequate screening of volunteers based upon the amount of contact they will have with students;
2. the requirement that volunteers comply with policy 5020, Visitors to the Schools;
3. reasonable supervision of volunteers based at least in part upon the amount of contact they will have with students; and
4. adequate training of volunteers, including familiarizing volunteers with applicable laws, board policies, administrative procedures and school rules.

All school volunteers are expected to be professional and dependable in their volunteer activities.

Legal References: G.S. 115C-36, -47, -203 to -209.1

Cross References: Parental Involvement (policy 1310/4002), Visitors to the Schools (policy 5020)

Adopted: 11 Oct. 2010

The board encourages the community and parents to be involved in and support the schools and the educational program of the schools.

A. OPPORTUNITIES TO VISIT THE SCHOOLS

To encourage involvement, the following opportunities are provided to visit the schools:

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.
2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in policy 5030, Community Use of Facilities.
3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.

B. REQUIREMENTS OF VISITORS TO THE SCHOOLS

While the school board welcomes visitors to the schools, the paramount concern of the board is to provide a safe and orderly learning environment in which disruptions to instructional time are kept to a minimum. The superintendent and each principal shall establish and enforce reasonable rules to address this concern.

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal shall ensure that signs are posted in the school to notify visitors of this requirement.
2. School visitors are expected to comply with all school rules and school board policies, including policy 5025, Prohibition of Alcoholic Beverages; policy 5026/7250, Smoking and Tobacco Products; and policy 5027/7275, Weapons and Explosives Prohibited.
3. Persons who are subject to policy 5022, Registered Sex Offenders, must comply with the provisions of that policy.
4. Professional visitors and observers must make arrangements through the appropriate administrator.

C. UNAUTHORIZED, DISRUPTIVE OR DANGEROUS VISITORS

If a school employee becomes aware that an individual is on a school property without having received permission or that an individual is exhibiting unusual, threatening or dangerous behavior, the employee must either direct the individual to the administrative office or notify the principal, designee or school resource officer, depending on the circumstances.

If a school employee suspects that an individual is on school property in violation of policy 5022, Registered Sex Offenders, the employee must immediately notify the principal, designee or school resource officer.

Students will be instructed to notify a school employee of any unusual or suspicious behavior by visitors. School employees shall inform the principal or designee immediately of a student's report of suspicious behavior on the part of a school visitor.

When an individual disrupts the educational environment, acts in a disorderly manner, damages school property, or violates board policy or the law, the principal or designee has authority to

1. order the individual to leave school property;
2. notify law enforcement; or
3. take any other action deemed appropriate under the circumstances.

Failure to comply with a request to leave school grounds may result in the filing of trespass charges or other charges as appropriate against the offending individual.

The superintendent, upon recommendation from the principal, may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds.

Legal References: G.S. 14-132, -132.2, -159.11, -159.12, 159.13, -208.18; 115C-523, -524, -526

Cross References: Registered Sex Offenders (policy 5022), Prohibition of Alcoholic Beverages (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Community Use of Facilities (policy 5030)

Adopted: 11 Oct. 2010

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

A. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY

In accordance with G.S. 14-208.18, all persons who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of any offense in Article 7A of Chapter 14 of the General Statutes or any offense in which the victim was under the age of 16 years at the time of the offense are expressly forbidden to knowingly be present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, sex offenders subject to G.S. 14-208.18 may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders regardless of their relationship to or affiliation with a student in the school system.

B. PERSONS PROHIBITED FROM SCHOOL PROPERTY

The superintendent or designee shall consult with the board attorney and create and maintain a list of the criminal offenses that subject a person to the requirements of section A above.

C. ENFORCEMENT

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

D. EXCEPTIONS

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

1. Students

Students who are subject to G.S. 14-208.18 may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

Voters who are subject to G.S. 14-208.18 and are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must notify the principal of the school that he or she is registered under the Registry Program and the voter must remain at all times in the portion of the school being used as the polling place. The voter must leave school grounds immediately after voting.

3. Parents or Guardians

a. An individual who is subject to this policy and is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

- 1) to attend a scheduled conference with school personnel to discuss the child's academic or social progress; or
- 2) at the request of the principal or designee, for any reason relating to the welfare or transportation of his or her child.

b. For each visit authorized by the principal in accordance with subsection (a) above, the parent or guardian must provide the principal with prior written notice of his or her registration on the Sex Offender Registry and notice of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.

d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location, and length of meeting.

E. CONTRACTUAL PERSONNEL

In order to ensure compliance with this policy, each contract executed by the board must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. Persons who are subject to section A of this policy may not be sent onto school property for any reason.

In addition, each time the board enters into any contract or agreement for contracted services that involve direct interaction with children, the contract must include a provision that requires the other party to the contract to conduct an annual check of the National Sex Offender Registry on all contracted employees who may have direct contact with children.

No contractor or employee of a contractor registered with the State Sex Offender and Public Protection Program, the State Sexually Violent Predator Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7A, 14-208.18, -208.19; 115C-332, -332.1

Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260), Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

Adopted: 13 January 2014

EMERGENCY EPINEPHRINE AUTO-INJECTOR DEVICES

Policy Code: **5024/6127/7266**

Anaphylaxis is a severe systemic allergic reaction from exposure to allergens that is rapid in onset and can cause death. Many severe allergies are undiagnosed, and students or others may experience their first severe allergic reaction while at school. Epinephrine auto-injector devices can be used to administer epinephrine to provide rapid, convenient first aid for persons suffering a potentially fatal reaction to anaphylaxis. This policy addresses the use of emergency epinephrine auto-injector devices administered under a non-patient specific standing order. Student-specific orders for epinephrine auto-injector devices are addressed in policy 6125, Administering Medicines to Students.

Designated trained school personnel are authorized to use emergency epinephrine auto-injector devices to deliver emergency medical aid to any person suffering from an anaphylactic reaction during the school day or at a school-sponsored event on school property. The superintendent shall ensure that at least two emergency epinephrine auto-injector devices are located at each school for this purpose and are stored in secure, but unlocked and easily accessible, locations.

Each school principal shall designate one or more school personnel, as part of the medical care program under G.S. 115C-375.1, to receive initial training and annual retraining from a school nurse or qualified representative of the local health department regarding the storage and emergency use of epinephrine auto-injector devices. Only such trained personnel are authorized to administer epinephrine to persons believed to be having an anaphylactic reaction. The principal shall make reasonable efforts to notify other school staff members as to which employee(s) has received this training in order to facilitate a prompt emergency response.

The principal, in collaboration with appropriate school personnel, shall create an emergency action plan for the use of epinephrine auto-injector devices that complies with all state law requirements. Principals are encouraged to include in the plan school-wide employee training in recognizing symptoms of anaphylaxis.

Epinephrine auto-injector devices provided by the school are not intended, and cannot be used, as the sole supply for students known to have medical conditions requiring the availability of an epinephrine auto-injector device. Parents of students with known life threatening allergies and/or anaphylaxis should provide the school with written instructions from the students' health care provider for handling anaphylaxis and all necessary medications for implementing the student specific order in accordance with policy 6125, Administering Medicines to Students. Students who meet the conditions established in policy 6125 may possess and self-administer their own medication.

This policy does not require emergency epinephrine auto-injector devices to be available at activities held off school grounds during or after the school day, including field trips or off-site athletic events, or during transportation to or from school, except as may be required pursuant to an individual student's IEP, Section 504 Plan, or health or emergency plan.

Legal References: G.S. 115C-375.1, -375.2A

Cross References: Administering Medicines to Students (policy 6125)

Adopted: December 8, 2014

PROHIBITION OF ALCOHOLIC BEVERAGES

Policy Code:

5025

The board prohibits the possession of, consumption of, or being under the influence of alcoholic beverages, including beer, malt liquor and wine, on property owned or occupied by the school system. Any person who violates this policy will be asked to leave the school property immediately and, if he or she fails to do so, will be arrested and prosecuted for criminal trespass, disorderly conduct or any other charge that may be appropriate.

Student conduct is further governed by policy 4325, Drugs and Alcohol. Employee conduct is further governed by policy 7240, Drug-Free and Alcohol-Free Workplace.

Legal References: G.S. 18B-103, -301; 115C-36, -40, -47

Cross References: Drugs and Alcohol (policy 4325), Community Use of Facilities (policy 5030), Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: 11 Oct. 2010

The board of education promotes the health and safety of all students and staff and the cleanliness of all school facilities. The board believes that the use of tobacco products on school grounds, in school buildings and facilities, in or on any other school property owned or operated by the school board, or at school-related or school-sponsored events is detrimental to the health and safety of students, staff and school visitors. To this end, and to comply with state and federal law, the board adopts this tobacco-free policy that prohibits smoking and the use of tobacco products as follows. For the purposes of this policy, the term “tobacco product” means any product that contains or is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products.

1. All employees and other persons performing services or activities on behalf of the school system, including volunteers and contractors, as well as students and visitors, are prohibited from using any tobacco products at any time in any school building, in any school facility, on school campuses, and in or on any other school property owned or operated by the school board.
2. In addition, persons attending a school-sponsored event at a location not specified in subsection 1 above are prohibited from using tobacco products when (a) in the presence of students or school personnel, or (b) in an area where use of tobacco products is otherwise prohibited by law.
3. Nothing in this policy prohibits the use of tobacco products for an instructional or research activity conducted in a school building, provided that such activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.
4. The administration will consult with the county health department and other appropriate organizations to provide employees with information about support systems and programs to encourage employees to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to employees of the school system after the regular school day.
5. The principal of each school and other school personnel responsible for school facilities shall post signs in system facilities in a manner and location that adequately notify staff, students and visitors that the use of tobacco products by any person is prohibited at all times in or on school property.
6. The superintendent and designees shall ensure that adequate notice of this policy is provided to students, parents, school personnel and the public.
7. All school personnel are required to adhere to and enforce this policy and other policies, rules or regulations addressing the use of tobacco products.

Legal References: Pro-Children Act of 1994, 20 U.S.C. 6081 *et seq.*; G.S. 14-313; 115C-47(18), -407

Cross References: Tobacco Products – Students (policy 4320)

Adopted: 12 February 2013

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Employees, students, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer as appropriate.

Students who violate this policy are subject to discipline as provided in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; and any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;

2. a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle if the person has a concealed handgun permit valid under state law or is exempted by state law from needing a permit to carry a concealed handgun (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);
3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties;
4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or
5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333)

Adopted: 13 January 2014

The board is committed to providing a healthy and safe environment for its students, employees, and visitors. To provide opportunities for assistance to individuals who experience sudden cardiac arrest on school property, the board authorizes the placement of automatic external defibrillators (AEDs) in designated locations in schools and other board-owned or operated facilities and at designated events to be accessed by trained personnel.

To the extent funding, staff, and training are available, the superintendent is authorized to acquire AEDs for use at designated schools and events. The superintendent is further authorized to develop a program to address access to and training, use, and maintenance of AEDs in the school system. All such AEDs and any program developed must comply with the requirements of state and federal law.

The superintendent, in consultation with medical professionals trained in cardiopulmonary resuscitation (CPR) and AED use, shall develop procedures to implement this policy. Procedures must include information regarding:

1. Medical/healthcare provider oversight: Choice of AED devices will be made in consultation with a physician licensed by the state of North Carolina. Preference will be given to machines that offer both adult and child settings. The type of AED product must be one that is approved by the United States Food and Drug Administration.
2. CPR and AED use training for anticipated responders: Training will be completed in accordance with nationally recognized training programs including those approved and provided by the American Heart Association or American Red Cross. Any person without such training in AED use will not be authorized to use a school-owned AED. Appropriate records of training will be maintained.
3. Coordination with the emergency medical services (EMS) system: Appropriate local EMS officials must be notified of the location and most recent placement of AEDs within a reasonable period of time of placement.
4. Appropriate device maintenance and testing.
5. Placement of AEDs.

The superintendent or designee shall report to the board on the plan for and actual use of AEDs in the school system. The superintendent shall designate a program coordinator to manage the AED program in the schools.

Nothing in this policy should be construed to require the presence or use of an AED on school property or at school sponsored events, unless otherwise required by law. The board cannot and does not guarantee that an AED or a person trained in its use will be available at any particular school site or school-sponsored event.

The board and its employees expressly reserve all immunities from civil liability which are available to them under state or federal law, including governmental immunity and the statutory immunities set forth in North Carolina General Statutes 90-21.14, 90-21.15 and 115C-375.1 and federal statute 42 U.S.C. 238q.

Legal References: G. S. 90-21.14, -21.15; 115C-375.1; 42 U.S.C. 238q

Cross References: Student Health Services (policy 6120)

Other References: *N.C. Emergency Guidelines for Schools*, (NCDPI 2009), available at <http://www.nhealthyschools.org/docs/school/nc-emergency-guidelines.pdf>; *Implementing an AED Program*, (American Heart Association 2012), available at http://www.heart.org/idc/groups/heart-public/@wcm/@ecc/documents/downloadable/ucm_438703.pdf

Adopted: 13 January 2014

A. GENERAL PRINCIPLES

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

Priority for facility use will be given to community groups as outlined below in Section B.

Use of school facilities will not be approved for activities that do any of the following:

1. violate federal, state or local laws;
2. violate board of education policies or regulations;
3. advocate imminent violence;
4. damage or have the potential to damage school buildings, grounds or equipment;
or
5. are in conflict with scheduled school activities.

B. PRIORITY IN USE/FEE STRUCTURE

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying). All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163-129, as a polling place on election days
2. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations, and booster clubs)

Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other

supervisory services may be charged.

3. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions

Fees: Custodial and utility fees may be charged.

4. Local government and youth organizations, including, but not limited to, scouts and 4-H

Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen and/or supervisory fees will be charged.

5. All other non-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions)

Fees: Rental, kitchen, utility, custodial and supervisory fees will be charged.

6. For profit groups

Fees: Rental, kitchen, utility, custodial and supervisory fees will be charged.

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

C. REQUESTS FOR USE OF FACILITIES

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Facility use request forms will be available in the school administrative office.

D. FACILITIES AVAILABLE FOR USE

The board permits eligible individuals or groups to use the facilities of those schools designated by the board as “community schools.” A list of community schools and the facilities at each site that are available for community use will be available to the public at the superintendent’s office and each principal’s office.

The superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers and playgrounds. The following Whiteville City Schools facilities have already been approved for use by the board:

Bowers Auditorium	WHS Gymnasium	School Kitchens
CMS Gymnasium	School Cafeterias	School Classrooms
Civic Room		

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent. The superintendent is authorized to determine the fees for the use of facilities in such circumstances.

E. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations will be provided to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal.
2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.
3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).
4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Alcoholic Beverages).
5. Users must not possess weapons or explosives while on school grounds (see policy 5027/7275, Weapons and Explosives Prohibited).
6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

A user's violation of the provisions of this policy or any applicable regulations is grounds for suspending the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the superintendent and the board of education.

F. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of \$1,000,000 for each claim made. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

G. TERM AND ACCEPTANCE OF LEASE

The board must approve any lease. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal and Lease of Board-Owned Real Property.

H. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Community Schools Act, G.S. 115C-203 to -209.1, -524, -527; 160A-274; 163-129

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Alcoholic Beverages (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted: 12 February 2013

The news media can be an important means of communicating information about the school system to the community. The superintendent shall establish an effective working relationship with the news media. The news media should be notified whenever necessary to relay information to the public, such as when there are emergency school closings. The superintendent also is expected to identify opportunities to educate the news media regarding the goals of the board and school system, especially as they relate to student success and the educational program. The superintendent also should inform the news media of the results of the school system's efforts to improve student achievement. All representatives of the media shall be given equal access to information about the schools. General releases of interest to the entire district shall be made available to all the media simultaneously. There shall be no exclusive releases except as media representatives request information on particular programs, plans, or issues.

The superintendent may designate a spokesperson to provide information to the news media. The school system will respond to the media's requests for information in compliance with policy 5070/7350, Public Records – Retention, Release and Disposition. The board chair will be the official spokesperson for the board, except as this duty is delegated to the superintendent or another board member. Teachers and other staff members will submit news or news releases regarding the classroom and other activities to the school principal to coordinate with the superintendent.

Policy 5020, Visitors to the Schools, applies to news media. News media are expected to cooperate with the school system in their efforts to provide a safe and orderly learning environment in which disruptions to instructional time are minimized. The principal or superintendent may require news media to leave or prevent news media from entering school grounds if the news media's presence interferes with these efforts.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47, -109.3, -319 to -321, -402; 132-1 to -9; *Public Database Indexing Guidelines and Recommendations*, N.C. Division of Archives and History; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996

Cross References: Board Meeting News Coverage (policy 2325), Visitors to the Schools (policy 5020), Emergency Closings (policy 5050), Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: 11 Oct. 2010

The superintendent shall develop procedures for the temporary closing of a school or all schools in the school system because of inclement weather or any other unforeseen occurrence that presents a threat to the safety of students and employees or causes major damage to school property. The superintendent shall notify parents, the news media and other interested parties of a decision to close a school or schools as soon as it is feasible to do so under the circumstances. When feasible the superintendent shall consult with members of the board, appropriate professional staff, and/or appropriate community agencies.

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

Cross References:

Adopted: 11 Oct. 2010

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

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

A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-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.
12. The office or station to which the employee is currently assigned.

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

B. DESIGNATION OF RECORDS OFFICER

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

1. Duties of the Records Officer

The duties of the records officer include the following:

- a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;
- b. determining the most cost-effective means of storing and retrieving public records that include confidential information;
- c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;

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

2. Other Duties

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 must be indexed as required by law. The form and content of the indexes must 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 and 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. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request, and

information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

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. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format, school officials shall not provide anyone with copies of such lists.

G. 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, unless otherwise required by statute, regulation, or other legal authority. The superintendent may establish regulations for the destruction of records in accordance with the approved schedule.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 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. Department 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), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: December 8, 2014

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code:

5071/7351

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). As set forth below, the school system will retain and destroy ESI in accordance with this policy and/or the approved Records Retention and Disposition Schedule ("Schedule") for local education agencies adopted by the North Carolina Department of Cultural Resources.

A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All e-mails produced and received are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The board delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*,

N.C. Department of Cultural Resources, Division of Archives and History (2002); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Cultural Resources, Division of Archives and History (1999)

Cross References: Public Records – Retention, Release and Disposition (policy 5070/7350)

Adopted: 11 Oct. 2010

RELATIONSHIP WITH OTHER GOVERNMENTAL AGENCIES

Policy Code:

5100

Productive working relationships with other governmental agencies are critical to the school system's efforts to provide safe, orderly and inviting learning environments in which students can succeed in the educational program. These relationships also are necessary to coordinate services so that various governmental agencies can strive to meet the needs of students in an efficient and effective manner.

School administrators are expected to develop and maintain productive working relationships with other governmental agencies. Any contracts or specific agreements regarding working relationships with other governmental agencies must be approved by the board.

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

Cross References:

Adopted: 11 Oct. 2010

RELATIONSHIP WITH COUNTY COMMISSIONERS

Policy Code: **5110**

The board strives for a productive working relationship with the Board of County Commissioners so that sufficient funding is provided to meet the educational goals that the board has established for the school system. The board will seek opportunities to inform the county commissioners about the needs of the school system, the annual budget, and other documents and reports the board deems necessary. The board welcomes periodic joint meetings between the boards as a means of strengthening the relationship with the Board of County Commissioners, clarifying expectations regarding the budget process, and educating the commissioners on the needs of the school system.

The superintendent shall develop a productive working relationship with the county/city managers. The superintendent is encouraged to initiate periodic meetings with key administrative personnel of the school system and county government.

Legal References: G.S. 115C-36, -47, -426, -427

Cross References:

Adopted: 11 Oct. 2010

RELATIONSHIP WITH LAW ENFORCEMENT

Policy Code:

5120

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

The superintendent shall ensure that local law enforcement have schematic diagrams, including digital schematic diagrams, of all school facilities and provide them updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. The superintendent shall also provide local law enforcement with 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.

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

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

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

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

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

Cross References: School Safety (policy 1510/4200/7270), Criminal Behavior (policy 4335), Student Searches (policy 4342), Visitors to the Schools (policy 5020)

Adopted: December 8, 2014

DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL

Policy Code:

5210

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, distribution and display of non-school material will be limited in accordance with this policy and policy 5240, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term “non-school material” is defined in section E below.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in section E below) and by governmental agencies, educational institutions, and non-profit entities as permitted in section B below.

A. DISTRIBUTION AND DISPLAY BY STUDENTS

Students wishing to distribute or display on campus any publication, leaflet or other written material that is not school-sponsored must submit the publication or material to the principal for review prior to distribution. The principal shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in section C below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the student may request review of the principal’s decision as specified in section D below.

B. DISTRIBUTION AND DISPLAY BY NON-STUDENTS

1. Distribution and display of “school-sponsored or curriculum-related publications and materials” as defined in section E are permitted during the school day, on school grounds and at school activities.
2. Distribution and display of publications and materials by school-related groups that have received prior approval of the [principal or superintendent or designee] pursuant to the standards in section C below and the standards for review of the decision in section D below are permitted at reasonable times and places as designated by the [principal or superintendent or designee]. The term “school-related group” is defined in section E. The [principal or superintendent or designee] shall not discriminate on the basis of viewpoint in granting or denying permitted school-related groups permission to distribute or display non-school material.
3. The superintendent is authorized to adopt regulations regarding approval forms, how many times a year groups may distribute or display publications or materials, delivery and bundling requirements, etc.
4. Nothing in this policy will be construed to create a public forum that would allow

non-students access to school property for the purpose of distributing or displaying non-school publications and materials.

C. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS

School officials shall apply the following standards to approve the distribution or display of all non-school material on school property:

1. While materials will not be screened for viewpoint, the reviewer shall prohibit the distribution or display of any publication or material that (a) is vulgar, indecent or obscene; (b) contains libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, gender, family status, or disability; (c) causes or clearly threatens to cause a material and substantial disruption of a school activity; (d) encourages the commission of unlawful acts or the violation of lawful school regulations; (e) is inappropriate considering the age of the students in the school; (f) contains information that is inaccurate, misleading or false; or (g) advertises any product or service not permitted to minors by law.

The [principal or superintendent's designee, depending on who makes the initial decision] shall notify the superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the U.S. Constitution. The superintendent shall consult with the board attorney to determine the legally appropriate course of action.

2. The distribution of non-school material must not interfere with instructional time.
3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the school board or the school system.
4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted at school buildings used as polling places in accordance with state law and board of elections requirements.

This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using these materials for instructional purposes shall not use his or her position to promote a particular candidate, party or position on a specific issue. The teacher also shall attempt to use a variety of materials that represent balanced and diverse viewpoints on the political

spectrum.

D. PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL MATERIALS

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the [principal or superintendent or designee] at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.
2. Within five school days, the [principal or superintendent or designee] shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request will be informed in writing of the reasons for the denial or restriction.
3. Any request denied or restricted by the [principal or superintendent or designee] may be appealed in writing to the [superintendent or designee or board, depending on who made the initial decision]. [If the principal made the initial decision, the superintendent or designee shall review the decision and render a decision within 10 school days. Any request denied by the superintendent or designee may be appealed to the board of education.] The board will review the request at its next regularly scheduled meeting. As appropriate, the superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.
4. Permission or denial of permission to distribute or display material does not imply approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

E. DEFINITIONS

The following terms used in this policy are defined as follows:

1. Obscene

“Obscene” describes any speech or work that the average person, applying contemporary community standards (as opposed to “national standards”), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political or scientific value.

2. Libelous Statement

Libelous statements are false and unprivileged statements about a specific person that

injure that person's reputation in the community.

3. Non-School Material

Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

4. Material and Substantial Disruption

A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction, or the rights of other students or school employees. Examples of material and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their educational responsibilities.

5. School-Sponsored or Curriculum-Related Publications and Materials

School-related materials or publications are: (a) materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b) materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays and concerts); or (c) materials that are directly related to instruction.

6. School-Related Group

School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, the PTO, teachers' and principals' organizations, and booster clubs.

The superintendent shall adopt necessary regulations to ensure that this policy is implemented throughout the school system.

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47

Cross References: Collections and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

Adopted: 11 Oct. 2010

The board is committed to minimizing disruptions to instructional time and the educational environment. Collections and solicitations are discouraged and must not disrupt instructional time. Employees and students will not be required to contribute or respond to any collection or solicitation.

The superintendent shall develop regulations governing collections and solicitations. The regulations will specify the type and number of collections and solicitations permitted and an approval process for collections and solicitations subject to the following guidelines:

1. Outside organizations and/or sales representatives may not solicit individual employees or students during working hours or the school day unless prior written approval is granted by the principal or the superintendent.
2. As a general rule, students, school organizations, teachers and/or other school employees may not sell commercial products during the instructional school day.
3. Individuals and organizations must secure approval from the principal prior to conducting collections or solicitations on school grounds.
4. Fliers and other materials that are to be distributed or displayed in conjunction with an approved collection or solicitation must be approved by the principal based upon the criteria in section C of policy 5210, Distribution and Display of Non-School Material, and/or policy 5240, Advertising in the Schools.
5. Establish and enforce rules that prevent the sale of foods and beverages in competition with the Child Nutrition Program as set forth in 7 CFR 210.11 and 220.12, NC General Statute 115C-264 and SBE Policy #EEO-S-000; assure all revenues for food and beverages sold to students from 12:01 AM through the time the school cafeteria ceases meal service for the day accrue to the non-profit Child Nutrition Program; agree that violations of the Competitive Foods Regulations (7 CFR 210.11 and 220.12, NC General Statute 115C-264 and SBE Policy #EEO-S-000) will result in repayment of funds to the SFA's non-profit Child Nutrition Program from the operating account of the school found to be in violation of the regulations.

Legal References: G.S. 14-238, 115C-36, -47

Cross References: Distribution and Display of Non-School Material (policy 5210), Advertising in the Schools (policy 5240)

Adopted: 11 Oct. 2010

The board encourages agencies and individuals to conduct research on issues related to student achievement and the effective operation of the school system.

The superintendent may approve a request for participation in a research project if:

1. the research results ultimately may benefit students of the school system;
2. the project's purpose and methodology are compatible with the goals and objectives of the board and school system;
3. the project will not disrupt instructional time ; and
4. the researcher obtains written approval from at least one parent of each student who actively participates in the study.

The superintendent is encouraged to involve central office administrators, school administrators, teachers and parents in making this determination. The superintendent shall report on approved research projects at a regularly-scheduled board meeting.

A research project involving a survey of students must comply with policy 4720, Surveys of Students.

All research projects must comply with the confidentiality requirements of policy 4700, Student Records, and policy 4705/7825, Confidentiality of Personal Identifying Information.

Legal References: G.S. 115C-47, -230

Cross References: Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720)

Adopted: 11 Oct. 2010

Students and the educational program must be the focus of the school system. Whiteville City Schools must maintain an educational environment conducive to learning and that minimizes intrusions upon instructional time. School officials shall screen and approve the distribution and display of advertising materials and messages publicized through school media or displayed on school property and at school events.

A. APPLICABILITY OF POLICY

This policy is intended to govern requests to advertise products or services on school grounds or through school publications and electronic media by

1. individuals;
2. non-profit organizations not otherwise permitted to distribute or display materials or messages by policy 5210, Distribution and Display of Non-School Material; and
3. for-profit organizations and businesses.

B. PROHIBITED ADVERTISEMENT AND PROMOTIONAL ACTIVITIES

The Board of Education prohibits advertising, commercial or promotional messages, and other items and materials that (1) are vulgar, indecent or obscene; (2) contain libelous statements, personal attacks or abusive language such as language defaming a person's character, race, religion, ethnic origin, gender, family status, or disability; (3) cause or clearly threaten to cause a material and substantial disruption of a school activity; (4) encourage the commission of unlawful acts or the violation of lawful school regulations; (5) are inappropriate considering the age of the students in the school; (6) include information that is inaccurate, misleading or false; or (7) advertise any product or service not permitted to minors by law.

C. SCHOOL FORUMS

Although permitting some advertising within the school system, the board does not intend to create a public forum or to open school facilities, including its electronic media, print publications, or school facilities, for unlimited access by outsiders and advertising by the general public.

D. REGULATIONS GOVERNING ADVERTISING IN THE SCHOOLS

The superintendent shall develop regulations governing advertising in the schools subject to section B above and in accordance with the following guidelines.

1. Advertising is permitted in school publications such as yearbooks, school newspapers, newsletters, and event programs. School officials may permit the publication of commercial advertisements for a reasonable fee or an in-kind contribution that advertises or promotes an outside organization's products, programs or services.
2. School officials may sell, for a reasonable fee or an in-kind contribution, commercial advertisement space on stadium, athletic and/or gymnasium billboards, banners, or signage for advertisements or promotions of an outside organization's products, services, programs or activities.
3. School officials may permit boards, displays or banners that acknowledge donations or sponsors of a school or the school system.
4. School officials shall prohibit advertising through the school system employee and student e-mail system and the school system website. The superintendent or designee shall regularly review the website and email system to ensure compliance.
5. Advertising in school publications, in school media, in school facilities and on school property will be limited to an advertiser's (a) name, brand name, and/or trade name; (b) logo; (c) location or place of business and contact information; (d) slogans that identify the advertiser but do not promote it; and (e) products, programs or services in a value-neutral description.
6. School officials have discretion to determine whether to use commercially sponsored materials or materials containing commercial advertising in school instructional programs and activities.
7. Collection of student data for marketing purposes is governed by section B of policy 4720, Surveys of Students.
8. School officials may accept donations of equipment and supplies that contain advertising messages. However, such donations must comply with the requirements of policy 8220, Gifts and Bequests.

E. PROTECTION OF STUDENT PRIVACY

Neither the school system nor the school administrators at any school will require students to provide marketing information to vendors either through the provision of personal information or through marketing surveys. In addition, neither the school system nor any school administrator will enter into any contract for products or services, including electronic media services, in which students are asked to reveal personal information for collection by the providers of such services. For the purposes of this section, personal information includes, but is not limited to, the student's name, telephone number, e-mail address and home address.

F. PROCESS TO REQUEST TO ADVERTISE

Any entity or individual interested in advertising or promoting products and services pursuant to this policy or school system regulations must submit a request to the principal (for advertising specific to an individual school) or to the superintendent's designee (for system-wide advertising). The principal or superintendent's designee may approve advertising that complies with board policies and regulations and respond within 30 working days.

If the principal or superintendent's designee denies a request for approval to advertise a product or service, the entity seeking to advertise may submit a request for the superintendent to review the decision made by the principal or the superintendent's designee within five working days. The superintendent shall review the request and make a decision within 10 working days of receiving the request for review. As needed, the superintendent shall consult with the board attorney concerning a request to advertise.

Any request denied by the superintendent may be appealed to the Board of Education if the right to an appeal is mandated by G.S. 115C-45(c). A decision as to whether an appeal is mandated by G.S. 115C-45(c) will be made in consultation with the board attorney. If an appeal is not mandated by G.S. 115C-45(c), the board, in its sole discretion, may decide whether or not to review the superintendent's decision.

Legal References: G.S. 115C-36, -45(c), -98

Cross References: Surveys of Students (policy 4720), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: 11 Oct. 2010

The board recognizes that an effective educational program must be supported by services that assist students in taking advantage of educational opportunities. The board also recognizes the need for services that help the school system use resources necessary for an educational program in an effective and efficient manner.

The board and superintendent will strive to educate the board of county commissioners, parents, public and other funding sources of the importance of support services.

Legal References: G.S. 115C-36

Cross References:

Adopted: January 18, 2011

The board recognizes the link between student health and learning. The goals of student health services are:

1. to encourage the physical well-being of all students;
2. to integrate health-related services provided in the school setting including those provided by counselors and health specialists;
3. to provide health services in a manner that reinforces the objectives of the healthful living education curriculum;
4. to work cooperatively with other governmental agencies and professional associations interested and involved in the health of students;
5. to use up-to-date research findings to develop and provide health services to students;
6. to meet all legal obligations; and
7. to provide courteous service to students and parents.

Legal References: G.S. 115C-36, -288(e), -307(b) and (c)

Cross References:

Adopted: January 18, 2011

ORGANIZATION OF STUDENT HEALTH SERVICES

Policy Code: **6110**

The superintendent shall establish student health services consistent with board goals as provided in policy 6100, Goals of Student Health Services, and state and federal laws and regulations. Duties related to the health services will be included in appropriate job descriptions. Each principal is responsible for providing supervision of the student health services offered at his or her school.

Legal References: G.S. 115C-36, -288(e), -307(b) and (c)

Cross References: Goals of Student Health Services (policy 6100)

Adopted: January 18, 2011

The board will provide health services to students as required by law. School employees may administer drugs or medication prescribed by a doctor only upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or life saving technique in which training has been provided to school employees. A registered nurse also will be available to provide assessment, care planning and ongoing evaluation of students with special health care service needs in the school setting.

The superintendent may develop procedures or delegate the development of procedures to each school principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.
2. Any employee designated to provide health care services must receive appropriate training.
3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.
4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.
5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.
6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans. The superintendent or designee shall report annually to the State Board on whether students with diabetes are enrolled in the school system and, if so, provide information demonstrating compliance with State Board guidelines as required by G.S. 115C-375.3.

7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.
9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents and students on the health services provided.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3; 16 N.C.A.C. 6D.0402; 21 N.C.A.C. 36.0221, 36.0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies GCS-D-000, GCS-G-006

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Adopted: 12 February 2013

The board recognizes that students may need to take medication during school hours. School personnel may administer drugs or medication prescribed by a doctor upon the written request of the parents. To minimize disruptions to the school day, medicines should be taken at home rather than at school whenever feasible. School personnel should not agree to administer any medication that could be taken at home.

A. STANDARDS FOR ADMINISTERING MEDICINES

1. School employees are authorized to administer drugs or medication when all of the following conditions have been met.
 - a. The student's parent or legal custodian has made a written request that school personnel administer the drug or medication to the student and has given explicit written instructions describing the manner in which the drug or medication is to be administered.
 - b. A physician has prescribed the drug or medication for use by the student (for over-the-counter medications as well as medications available only by a physician's prescription).
 - c. A physician has certified that administration of the drug or medication to the student during the school day is necessary (for over-the-counter medications as well as medications available only by a physician's prescription).
 - d. The employee administers the drug or medication pursuant to the written instructions provided by the student's parent or legal custodian.
2. The superintendent shall develop procedures for the implementation of this policy. These rules and a copy of this policy must be made available to all students and parents each school year through the student handbook. The superintendent's procedures should be developed according to the guidelines listed below.
 - a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medicine.
 - b. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.
 - c. No student may possess, use or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol.

- d. The board generally encourages school personnel to administer medicine from a centralized location. However, in all instances, whether from a centralized location or multiple locations, any medicines kept at school for a student must be kept in a locked and secure place.
- e. All school personnel who will be administering medicines must receive appropriate training. A minimum of three employees at each school shall be trained to receive and dispense medications safely. The training shall be conducted annually and documented and evaluations shall be conducted each semester. It is the responsibility of the school nurse to perform the training and evaluations.
- f. Only drugs clearly prescribed or intended for the student may be administered by school personnel. At the time a parent brings a drug to school for administration, if school personnel have concerns regarding the appropriateness of a drug or dosage for a student, a confirmation should be obtained from the student's doctor or another doctor prior to administering the medicine or allowing a student to self-administer a medicine.
- g. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medicines to his or her child at any time while the child is on school property.
- h. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

B. OVER-THE-COUNTER MEDICATION

Consistent with the above requirements, over-the-counter medications will be given only during school hours by school personnel if they are labeled by a pharmacist, complete with instructions (like a prescription drug). Parents who want school personnel to administer over-the-counter medication must provide the medication to school personnel pursuant to the requirements of this policy.

C. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with asthma or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medicine.

D. STUDENT SELF-ADMINISTERING ASTHMA MEDICATIONS

The board recognizes that students with asthma and/or subject to anaphylactic reactions may need to possess and self-administer asthma medication on school property. As used in this policy, “asthma medication” means a medicine prescribed for the treatment of asthma or anaphylactic reactions and includes a prescribed asthma inhaler or epinephrine auto-injector. The superintendent shall develop procedures for the possession and self-administration of asthma medication by students on school property, during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Before a student will be allowed to self-administer medicine pursuant to this section, the student’s parent or guardian must provide to the principal or designee all of the documents listed below.
 - a. written authorization from the student’s parent or guardian for the student to possess and self-administer asthma medication;
 - b. a written statement from the student’s health care practitioner verifying:
 - 1) that the student has asthma and/or an allergy that could result in anaphylactic reaction;
 - 2) that he or she prescribed medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
 - 3) that the student understands, has been instructed in self-administration of the asthma medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;
 - c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student’s asthma or anaphylaxis episodes and for medication use by the student;
 - d. a statement provided by the school system and signed by the student’s parent or guardian acknowledging that the board of education and its agents are not liable for injury arising from the student’s possession and self-administration of asthma medication; and
 - e. any other documents or items necessary to comply with state and federal laws.
2. Prior to being permitted to self-administer medicine at school, the student also must demonstrate to the school nurse, or the nurse’s designee, the skill level necessary to use the asthma medication and any accompanying device.
3. Finally, the student’s parent or guardian must provide to the school backup asthma

medication that school personnel are to keep in a location to which the student has immediate access in the event of an emergency.

All information provided to the school by the student's parent or guardian must be kept on file at the school in an easily accessible location. Any permission granted by the principal for a student to possess and self-administer asthma medication will be effective only for the same school for 365 calendar days. Such permission must be reviewed annually. A record of medications dispensed shall be maintained until the student reaches 29 years of age and has not received services within the last 10 years, if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

A student who uses his or her prescribed asthma medication in a manner other than as prescribed may be subject to disciplinary action pursuant to the school disciplinary policy. No one may impose disciplinary action on the student that limits or restricts the student's immediate access to the asthma medication.

The board does not assume any responsibility for the administration of drugs or medication to a student by the student, the student's parent or legal custodian or any other person who is not authorized by this policy to administer medications to students.

Parents and guardians shall be notified to collect any unused medications at the end of the school year or when the medication is no longer required. At the end of the school year, the school system shall dispose of any medication that is not retrieved by the parent or guardian.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. -705(20), -794, 34 C.F.R. pt. 104; G.S. 115C-36, -307(c), - 375.2; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000

Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325)

Adopted: January 18, 2011

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.

A. SCHOOL HEALTH ADVISORY COUNCIL

The board will appoint a School Health Advisory Council to help plan, implement and monitor this policy as well as other health and nutrition issues within the school system. The council will serve as an advisory committee regarding student health issues. The council may 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 will assist in developing the student wellness policy and may make other policy recommendations to the board related to student wellness.

The council will be composed of representatives from the school system, the local health department and the community. The council must include members of each of the following groups: the school board, school system administrators, school system food service representatives, students, parents or guardians and the public. The council will provide information to the board about the following areas or concerns: safe environment, physical education, health education, staff wellness, health services, mental and social health, nutrition services and parent/family involvement.

The council shall provide annual reports to the board regarding the status of its work. In addition, the council shall assist the superintendent in creating an annual report that includes the minutes of physical activity and the minutes of physical education and/or healthful living education received by students in the system each school year, as well as any other information required by the State Board of Education.

B. NUTRITION EDUCATION

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

The board will provide nutrition education within the Healthful Living Standard Course of Study and Grade Level Competencies adopted by the State Board of Education.

Nutrition education should be designed to provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

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

C. NUTRITION GUIDELINES

Consistent with policy 6200, Goals of Student Food 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.

Foods provided through the National School Lunch or School Breakfast Programs must comply with federal nutrition standards. In addition, food selections must also be consistent with the state nutrition standards established by the State Board of Education and with policy 6230, Nutritional Standards for Food Selection.

Competitive foods must meet State Board of Education nutrition standards as well as nutrition standards established by the superintendent pursuant to policy 6230. Competitive foods are defined as foods offered at school other than through the National School Lunch or School Breakfast Programs, including food, snacks and beverages from a la carte menus, vending machines and outside suppliers. In addition, all vending machine sales must comply with the requirements of G.S. 115C-264.2 and *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*.

D. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as obesity, cardiovascular disease and Type II diabetes, students enrolled in kindergarten through eighth grade must have the opportunity to participate in physical activity as part of the system's physical education curriculum. The physical education course should be designed to foster support and guidance for being physically active, help students know and understand the value of being physically fit, and teach students the types of activities that contribute to total fitness. The course is to be taught in an environment where students can learn, practice and receive assessment on age-appropriate skills as defined in the North Carolina Healthful Living Standard Course of Study.

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 physical education class, recess, dance, classroom energizers and/or other curriculum-based physical activity programs. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement.

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.

E. OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS

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

1. Schools will provide a clean, safe and inviting 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, food service personnel, students, parents or guardians, and community members will be encouraged to serve as positive role models to promote student wellness.

F. GUIDELINES FOR REIMBURSABLE MEALS

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.

G. IMPLEMENTATION AND REVIEW OF POLICY

The superintendent or designee shall oversee the implementation of this policy and monitor system schools, programs and curricula to ensure compliance with this policy, related policies and established guidelines or administrative regulations. Each principal shall report semi annually to the superintendent or designee regarding compliance in his or her school. Staff members responsible for programs related to student wellness also shall report semi annually to the superintendent or designee regarding the status of such programs.

The superintendent shall report annually to the board on the system's compliance with laws and policies related to student wellness. The report may include the following items:

1. an assessment of the school environment regarding student wellness issues;
2. an evaluation of food services programs;
3. a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;
4. a list of all activities and programs conducted to promote nutrition and physical activity;
5. information provided in the report from the School Health Advisory Council, as described in section A, above; and
6. suggestions for improvement to policies or programs.

Legal References: Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751 note (Local Wellness Policy); National School Lunch Act, 42 U.S.C. 1751 *et seq.*; G.S. 115C-264.2, -264.3; State Board of Education Policies GCS-S-000, TCS-S-002; *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 Health Services (policy 6100), Goals of Student Food Services (policy 6200), Nutritional Standards for Food Selection (policy 6230)

Adopted: January 18, 2011

The board recognizes that it is important for students to receive proper nutrition so that they are ready and able to take advantage of educational opportunities.

The goals of the student food services program are as follows:

1. operating the food services 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 providing nutritional meals at school;
3. minimizing obesity and encouraging lifelong healthy eating habits consistent with the health education curriculum;
4. offering students a variety of nutritional foods; and
5. providing courteous and inviting service to students, employees and authorized visitors.

Legal References: G.S. 115C-47(22), -263, -264

Cross References:

Adopted: January 18, 2011

ORGANIZATION OF STUDENT FOOD SERVICES

Policy Code: **6210**

The superintendent shall establish student food services consistent with board goals as provided in policy 6200, Goals of Student Food Services, and state and federal laws and regulations. Duties related to the food services should be included in appropriate job descriptions. Each principal is responsible for the student food services in his or her school.

Legal References: G.S. 115C-36, -263

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

Adopted: January 18, 2011

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

A. OPERATIONAL STANDARDS

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

1. No child will be discriminated against because of race, gender, color, national origin, disability, age, or eligibility status for free and reduced price meals.
2. The student food services program will meet safety and sanitation requirements established in local, state, and federal rules and guidelines for school food service programs.
3. Menu preparation and purchasing will be consistent with applicable state and federal rules and guidelines.
4. Banking, 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.
5. Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations.
6. Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1.
7. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has a minimum of one month's operating balance.
8. The price for meals will be determined in accordance with federal law.
9. Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a

reimbursable meal or snack, that is sold at the school and is purchased using funds from the child nutrition account.

10. All school food services will be operated on a non-profit basis for the benefit of the CNP. School food services are those that are operated from 12:01 a.m. until the end of the last established lunch period.
11. All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the superintendent or designee.
12. School food services will not sell foods of minimal nutritional value.

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 CNP is reimbursed for uncollected student meal charges prior to the end of the year.

The superintendent or designee shall 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: 13 January 2014

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

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

In accordance with the guidelines for participation in these programs, and in accordance with the wishes of the board, no student who meets the criteria for eligibility for free and reduced meal benefits will be denied a free lunch, milk or other food, simply because the proper application has not been received from his or her parent or guardian. The principal may complete an application for a student known to be needy if the parent or guardian fails to apply.

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.

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

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 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: January 18, 2011

NUTRITIONAL STANDARDS FOR FOOD SELECTION

Policy Code:

6230

Employees of the student food services program shall select foods in a manner consistent with the goals established by the board and all state and federal laws and regulations. Food selection also must be consistent with statewide nutrition standards for school meals, a la carte foods and beverages, and items served in after-school snack programs.

FOODS OTHER THAN THE SCHOOL LUNCH PROGRAM

Competitive food sales, including food and beverages from vending machines and outside suppliers or any other items sold separately from the school lunch program, must be controlled to ensure that they do not encourage poor eating habits or negatively affect the ability of the school to provide a nutritious lunch at the lowest possible cost. Further, any foods sold between 12:01 a.m. and the end of the last lunch period must be sold through the school food services department, and the food services program will retain the proceeds.

The superintendent or designee shall establish nutritional standards for non-cafeteria or competitive foods to protect the health of students. The superintendent shall ensure that any snack vending meets the applicable requirements of *Eat Smart: North Carolina's Recommended Standards for All Foods Available in School*. Beverage vending sales must meet the requirements of policy 6235, Beverage Vending Sales.

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.*; G.S. 115C-47(7), -47(22), -263, -264, -264.2, -264.3; State Board of Education Policy TCS-S-000, TCS-S-002; *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)

Cross References: Goals of Student Food Services (policy 6200), Beverage Vending Sales (policy 6235)

Adopted: January 18, 2011

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 last 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.

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 N.C.A.C. 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: January 18, 2011

GOALS OF STUDENT TRANSPORTATION SERVICES

Policy Code:

6300

The board will provide school transportation services for eligible students consistent with the following goals:

1. providing transportation to and from school to students most in need of the service;
2. making safety a priority in maintaining quality transportation equipment and vehicles;
3. teaching and expecting students to act in a safe and orderly manner while using school transportation;
4. planning and providing transportation services efficiently and economically;
5. using transportation services to support the types of learning opportunities available to students;
6. working effectively with students, parents, guardians, private contractors and other governmental agencies in providing transportation services; and
7. providing courteous service to students and responding promptly and courteously to requests by parents, guardians and students.

Legal References: G.S. 115C-36, -239, -240

Cross References:

Adopted: January 18, 2011

SAFETY AND STUDENT TRANSPORTATION SERVICES

Policy Code:

6305

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel and other governmental agencies. The superintendent or designee and all principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

A. STUDENT BEHAVIOR

A safe and orderly environment is critical whenever transporting students. The Code of Student Conduct and board policies on student behavior apply as provided in policy 4300, Student Behavior Policies. Students will receive training on school bus safety as required by law.

B. TRANSPORTATION SAFETY ASSISTANTS AND BUS MONITORS

Upon recommendation of a building principal and the superintendent, the board may employ transportation safety assistants to assist bus drivers with the safety, movement, management and care of students. In addition, the superintendent or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school. As necessary, the superintendent or designee shall designate in administrative guidelines the responsibilities of school bus transportation safety assistants and bus monitors in accordance with state law.

C. MAINTENANCE

The superintendent or designee and principals shall fulfill all duties prescribed by state law and regulations for maintaining, inspecting and repairing school buses and other vehicles used to transport students.

D. SAFETY PRACTICES ON SCHOOL BUSES AND ACTIVITY BUSES

In addition to any rules established by the superintendent or designee for the safe operation of the student transportation services, the board expects school employees to observe the following practices.

1. The number of students transported on any school bus, activity bus, commercial bus or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.
2. All riders must be seated while the vehicle is in motion.

3. No person will be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion.
4. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle and to permit students to enter or leave the bus at particular locations.
5. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safeness of the bus route or bus stops.

E. ACCIDENT REPORTING

The driver of any school bus or other school vehicle must report immediately to the superintendent or designee any accident involving death, injury or property.

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education Policy TCS-H-005; State Board of Education policies TCS-H-006, -011; *N.C. School Bus Handbook*, Department of Transportation, Division of Motor Vehicles

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: 12 February 2013

The board recognizes that emissions that accumulate from school buses can be harmful to students and bus drivers. The board further recognizes that unnecessary bus idling wastes fuel and financial resources. The board is committed to transporting students on school buses in a manner that is safe and consistent with the board's goal of resource conservation. To this end, the board prohibits all unnecessary school bus idling on school grounds. In addition, the board prohibits the warming up of buses for longer than five minutes, except in extraordinary circumstances or circumstances beyond the bus driver's control.

This policy applies to school buses and activity buses when these buses are used to transport students to or from school, extracurricular activities, field trips and other school-related activities.

The superintendent shall develop procedures consistent with this policy. The superintendent shall ensure that school bus drivers and appropriate school personnel receive training to implement this policy.

Legal References: G.S. 115C-12(34)(b), -36, -47(48); State Board of Education Policy TCS-M-003; N.C. Public School Allotment Policy Manual, State Allotment Formulas – Transportation of Pupils, Program Report Code 056

Cross References: Resource Conservation (policy 6530)

Adopted: January 18, 2011

The following procedures are established to eliminate unnecessary idling of school buses:

A. IDLING TIMES

1. Buses should not idle longer than five minutes.
2. The following are considered extraordinary circumstances or circumstances beyond the driver's control for which an exception may be made to the five-minute idling rule.
 - a. The bus is waiting in traffic.
 - b. The bus is loading or unloading students with special needs, as necessary.
 - c. There is a traffic, safety or emergency situation that necessitates idling.
 - d. The bus is undergoing maintenance, mechanical inspections or repair.
 - e. Extreme weather conditions (temperatures of less than 30 degrees Fahrenheit) are present, and the bus is idling for the purpose of warming the interior of the bus.
3. To maintain interior warmth during cold weather, buses should be driven to the school as close to the scheduled pick-up time as possible, then turned off while waiting for students to load.

B. BUS PARKING ON SCHOOL GROUNDS

1. Buses should not park "nose to tail" when it can be avoided.
2. Buses should not idle while loading or unloading on school grounds or at school-related activities.
3. Buses should not park on school grounds near building air-intake systems, unless alternative parking locations interfere with traffic, impair student safety or are not cost-effective.
4. No bus should be running without the driver being within three feet of the bus.

C. SIGNAGE

To the extent practicable, the principal shall post "no idling" signs to alert bus drivers and parents to turn off vehicles when waiting or parked. The principal shall ensure that parents

in carpool lanes are informed of the school's "no idling" policy.

Adopted: January 18, 2011

ORGANIZATION OF STUDENT TRANSPORTATION SERVICES

Policy Code: **6310**

The superintendent shall establish a student transportation services program consistent with board goals established in policy 6300, Goals of Student Transportation Services, and state and federal laws and regulations. School personnel, volunteers, and private carriers are expected to be familiar with all duties imposed by law, board policy or the superintendent.

Specific duties related to providing student transportation services should be included in appropriate job descriptions.

Legal References: G.S. 115C-241, -242, -244 to -246, -248

Cross References: Goals of Student Transportation Services (policy 6300)

Adopted: January 18, 2011

Safety is of paramount concern in providing student transportation services. Consistent with the board's goals for student safety, all drivers involved in transporting students must comply with the following board requirements.

A. SCHOOL BUS AND ACTIVITY BUS DRIVERS

School bus and activity bus drivers must:

1. possess required licenses and all other qualifications required by law;
2. not operate a school or activity bus on a public street, highway or public vehicular area while using a mobile telephone or related technology while the bus is in motion, unless such use is for the sole purpose of communicating in an emergency situation;
3. report to the principal any misconduct that is in violation of any of the student behavior policies in the 4300 series or school rules;
4. use reasonable judgment in the operation of the buses;
5. make reasonable efforts to maintain good order of the students being transported;
6. not permit any person to ride who is not assigned to the bus or has not received express permission of the principal or other designated official;
7. promptly report to the principal or other designated official any defect or other concern regarding the safety of the school bus, activity bus or other vehicle operated by the school system; and
8. promptly report to the principal or other designated official any moving violation citations received while operating any motor vehicle, whether on or off duty.

B. OTHER DRIVERS

Other drivers, including volunteer drivers, must:

1. possess required licenses and all other qualifications required by law;
2. report to the principal by the next working day any moving violation citations received while operating any motor vehicle, whether on or off duty; and
3. carry insurance if operating a privately owned vehicle.

If the board requires a school social worker to increase his or her private automobile liability coverage and/or to add a business use rider in order to transport students in his or her private vehicle, the social worker will be reimbursed for the additional premium charged and/or for the increased liability limits of the added rider.

The superintendent or designee shall make copies of this policy and other related policies available to drivers.

Legal References: G.S. 20-7(f)(2), -137.4, -218; 115C-47(25a), -241, -242, -244 to -246, -248, -251, -317.1; State Board of Education policy TCS-H-010; Handbook for School Bus Drivers, Department of Transportation, Division of Motor Vehicles

Cross References: Student Behavior Policies (4300 series), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Insurance (policy 8340)

Adopted: 12 February 2013

Student transportation services will be made available in a manner consistent with the board goals set out in policy 6300, Goals of Student Transportation Services. The first priority is to provide transportation to and from school to eligible students.

A. OTHER TRANSPORTATION SERVICES

Other transportation services may be made available as funding permits and in accordance with legal requirements and board policy. In particular, the board establishes the following possible uses of other transportation services.

1. State-operated school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with board policy.
2. School buses may be used only for purposes expressly allowed by G.S. 115C-242.
3. School buses may not be used for athletic activities or extracurricular activities.
4. Activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses as needed.
5. The board encourages the superintendent and principals to provide transportation services to enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning.

B. SPECIAL USE OF SCHOOL BUSES

The board may authorize special uses of school buses as provided by G.S. 115C-242 and 115C-243. The superintendent shall present to the board any requests for special uses and the statutory support for allowing such authorization.

C. TRANSPORTATION FOR SPECIAL NEEDS STUDENTS

A student who is identified as having special needs following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law. When the school system's transportation services are unable to provide transportation for special needs students, the board may contract with public or private carriers to provide this service, pursuant to policy 6340, Transportation Service/Vehicle Contracts.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 49 U.S.C. 30125, 30165; G.S. 115C-239, -242, -243, -247, -254; G.S. 66-58(c)(9a) and (9b); *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; State Board of Education policies TCS-H-000, -006; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988

Cross References: School Trips (policy 3320), Goals of Student Transportation Services (policy 6300), Safety and Student Transportation Services (policy 6305), Transportation Service/Vehicle Contracts (policy 6340)

Adopted: 12 February 2013

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

Students ordinarily will be assigned to a bus that passes within one mile of the student's residence.

Parents will be informed of students' scheduled school bus arrival times. It is the parent's responsibility to ensure that a student is present at a bus stop prior to the scheduled arrival time.

A. TRANSPORTATION TO LOCATIONS OTHER THAN HOME

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

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

The principal after consulting with the Assistant Superintendent must approve any changes in bus stops.

B. BUS ROUTES IN HAZARDOUS CONDITIONS

School buses will not be allowed to operate if there is a serious threat to the safety of students or drivers. The superintendent may develop a more limited bus route for

hazardous weather conditions in order to operate only on roads that are safe. To the extent possible, parents will be notified in advance of the bus route that will be used in hazardous conditions. The hazardous conditions bus route will be on file in the superintendent's office.

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

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

Cross References:

Adopted: 12 February 2013

A. ELIGIBILITY

Student eligibility to ride the school bus shall be based on applicable law and the policies of the State Board of Education. Any student assigned to a school that is one and a half miles or more from his or her residence is eligible for transportation services to and from school. In addition, a student identified as having special needs will be provided with transportation services if entitled to such by federal and state laws and regulations. Also, the superintendent or designee shall consider applications for transportation services in the following situations:

1. when factors are present that may endanger the safety of students walking to the school;
2. when the student is medically certified as temporarily incapacitated; and
3. if the student has voluntarily requested a transfer from his or her regularly assigned school and the requested school is greater than one and a half miles from his or her residence.

A student must ride his or her assigned bus and may only be discharged at his or her designated stop unless he or she receives written permission from the principal to change the designated bus stop. No person other than an assigned student, a non-assigned student granted permission by the principal or designee, or authorized school system personnel may board or ride the school buses of the school system.

B. APPLICATIONS

The parent or guardian of any child enrolled in the school system may request bus services. The request should be made to the principal of the assigned school or another designated school official. The principal or other designated official shall forward the application to the superintendent or designee. If the application is denied by the superintendent or designee, the parent may seek review of the decision in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

The board will direct that the student be provided transportation services if either (1) the board finds that the student is entitled to be transported to and from school on the school bus designated in the application; or (2) the board finds that the transportation of the student on the requested bus to and from such school is in the best interest of the student, will not interfere with the proper administration of the school or with the safe and efficient transportation by school bus of other students enrolled in the school, and will not endanger the health or safety of the children enrolled at the school.

Legal References: G.S. 115C-239, -240, -241, -244; *Policies Governing Services for Children*

with Disabilities, State Board of Education Policy GCS-D-000

Cross References: Student and Parent Grievance Procedure (policy 1740/4010)

Adopted: January 18, 2011

The board recognizes the value of activity vehicles. Student transportation for school activities is an integral part of the educational program.

Activity vehicles shall be purchased using local school funds as an item of the capital outlay budget. Activity vehicles shall be titled in the name of the Whiteville City Board of Education.

All activity vehicles will operate under the following rules and regulations:

1. Activity vehicles may be used only for activities endorsed and/or sponsored by Whiteville City Schools.
2. The group must request the use of the activity vehicle from the principal of the school according to the established procedures.
3. The driver must be approved by the principal in accordance with the qualifications and procedures of the State Board of Education. Drivers must have all certifications required by North Carolina law.
4. Drivers transporting students to or from a school-related activity in an activity bus must hold a valid Commercial Drivers License with a Passenger (P) and School Bus (S) endorsements (CDL-P/S) as required by the Division of Motor Vehicles. Beginning July 1, 2010, drivers who have been initially licensed with a CDL-P/S and who transport students to or from a school-related activity in an activity bus must also hold a school bus driver's certificate.
5. Beginning July 1, 2015, no driver shall be permitted to transport students in an activity bus for any purpose unless that driver holds both a CDL-P/S license and valid school bus driver's certificate.
6. The activity vehicle must have at least the minimum insurance coverage required by law.
7. The vehicle driver and the group using the vehicle must comply with all legal regulations, including without limitation, speed limits, maintenance records and number of passengers.
8. The group requesting to use an activity bus is responsible for any damage to the bus (graffiti, cut seats, broken windows, mechanical abuse, etc.).
9. A person designated and assigned by the principal must be present on all trips.
10. All board policies on student behavior apply as provided in policy 4300, Student Behavior Policies.

11. If an activity vehicle is found to be defective and cannot be operated safely, the driver and principal shall report this to the transportation director and use of the vehicle discontinued until it has been repaired and can be operated safely.
12. Permanent licenses may be purchased for activity vehicles titled in the name of the Whiteville City Board of Education.
13. Activity vehicles shall be inspected at least once each thirty days during the school year for defects that may affect their safe operation.
14. The fee for the use of the activity vehicles, if any, shall be in keeping with the cost of operation as suggested by the Division of School Bus Transportation, State Department of Public Instruction.
15. The principal is responsible for carrying out any additional regulations.

Legal References: G.S. 20-218; 115C-47, -245, 247, 248, -288; State Board of Education Policies TCS-H-010 and TCS-H-011

Cross References:

Adopted: January 18, 2011

VEHICLE USE AND PARKING AREAS FOR STUDENTS

Policy Code:

6325

A. AUTOMOBILE USE AND DRIVING ON CAMPUS

Licensed high school students who are sixteen years and older are permitted to drive vehicles to and from school with prior permission from a parent or legal guardian. Parents must complete a transportation information form indicating that the student has permission to drive a vehicle to and from school. All such students will be subject to rules and regulations promulgated by the principal of the high school. Each principal shall distribute or otherwise publish to the students and parents such rules and regulations at the beginning of each school year.

B. PARKING

Principals shall assign individual student parking spaces and designate parking areas for students.

Parking spaces for students will be assigned on the following schedule:

1. Level A-Students with disabilities;
2. Level B-Students needing transportation in order to participate in school-related internships or off-site learning opportunities;
3. Level C-Students involved in extra-curricular activities;
4. Level D-Students that have non-curricular employment schedules that require them to drive from school to the place of employment;
5. Level E-All other students to be assigned randomly as space allows.

Pursuant to G.S. 115C-46, principals shall provide for the registration of vehicles and remove cars parked in violation of school rules. Each principal shall require the signature of the student and a parent on a form that shall take substantially the following form:

“I am familiar with all of the rules and regulation for driving and parking at the high school and agree to follow all of the rules and regulations. I understand that violations of the rules and regulations may result in the suspension of driving and/or parking privileges and other appropriate disciplinary action. I have been provided a copy of this agreement and understand that the original will be maintained in the school files.”

The board may approve a student parking fee. Any fees, charges and solicitations approved by the board shall be reported to the Superintendent of Public Instruction. All

funds collected for the student parking fee shall be maintained in a separate school account and shall be used to maintain and improve the school parking facilities.

Parking on school grounds is a privilege, not a right. All student driven vehicles must display the parking permit issued by the school. Parking privileges may be revoked as a consequence for violating parking rules or for violating student behavior policies, school standards or school rules as provided in policy 4302, School Plan for Management of Student Behavior. Student cars parked on school property may be searched in accordance with policy 4342, Student Searches.

C. TRAFFIC CONTROLS

The superintendent shall develop rules and regulations necessary to provide for the safe flow and control of traffic on school system property, including maintaining all fire lane restrictions. Unlicensed vehicles are not permitted on school property. Students are not permitted to return to the parking lot or to vehicles at unauthorized times during the school day. The maximum speed limit on school grounds is ten (10) miles per hour.

The school system is not responsible for any loss or damage to vehicles parked on school grounds due to fire, theft or accident.

Legal References: G.S. 115C-46

Cross References: School Plan for Management of Student Behavior (policy 4302), Student Searches (policy 4342)

Adopted: January 18, 2011

**INSURANCE OR RISK MANAGEMENT
FOR STUDENT TRANSPORTATION SERVICES**

Policy Code:

6330

No school bus, activity bus or other school-owned vehicle will be operated without protection being provided through the provisions of the N.C. Tort Claims Act or through a policy of insurance or other risk management program providing liability coverage for bodily injury and property damage.

School buses will not be used for any purpose or any circumstance not covered by the State Tort Claims Act unless liability insurance or risk management coverage has been purchased to cover such purpose or circumstance.

Only activity buses and other vehicles meeting federal safety standards may be used for approved school-related activities. The superintendent or designee and principals shall monitor compliance with this requirement.

In order to be covered by the State Tort Claims Act, school bus drivers will be paid at least in part from state funds. If no state funds are used, liability insurance or risk management coverage will be purchased to cover bodily injury and property damage.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -242, -257, -258, -259; G.S. 143 art. 31; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988

Cross References: Insurance and Liability Coverage (policy 8340)

Adopted: January 18, 2011

TRANSPORTATION SERVICE/VEHICLE CONTRACTS

Policy Code: **6340**

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

The superintendent or designee shall develop safety standards for contracted commercial bus transportation services used to transport students to school-related activities. The standards must comply with the requirements established by the State Board. The superintendent or designee shall develop a list of companies or individuals that meet these standards and are approved to provide student transportation services. If appropriate, the superintendent shall recommend that the board enter into 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 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.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; *Preventive Maintenance and Vehicle Replacement Manual (NC Bus Fleet Manual)*, State Board of Education Policy TCS-H-005; State Board of Education Policies TCS-H-009, -010, -011; *School Charter Transportation Recommended Guidelines and Procedures*, available at <http://www.doe.in.gov/safety/docs/presentation/motorcoach.pdf>

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

Adopted: 12 February 2013

The board is committed to using its authority to purchase goods and services in a manner most likely to help students succeed. The board, superintendent and any other employees authorized to participate in purchasing decisions or the purchasing process will strive to meet the following goals:

1. obtaining the maximum benefits from all school system monies and furthering the educational goals of the board;
2. conducting all purchasing activities according to applicable laws, rules and regulations, good purchasing practices and ethical principles;
3. providing a climate of fair and open competition for all qualified vendors;
4. requiring satisfactory and proper performance of all contractual obligations of vendors; and
5. providing prompt and courteous service to other school system personnel, other governmental entities and vendors.

Legal References: G.S. 14-234, -234.1; 115C-36

Cross References: Goals and Objectives of the Educational Program (policy 3000)

Adopted: January 18, 2011

The board is committed to conducting the purchasing function in an ethical manner. The board's purchasing goals and principles will not be compromised by individuals motivated by personal gain.

The board and its officers, agents and employees are subject to the laws governing conflicts of interest in furnishing supplies to the board and the use of confidential information.

No board member or officer, agent, or employee involved in the purchasing function may accept gifts, favors, service, reward or promise of reward, including a promise of future employment, trips or meals from contractors, subcontractors or suppliers, except gifts or favors of nominal value or meals furnished at banquets.

The school system's cost estimate for any public contract is confidential prior to bidding or completion of other competitive purchasing processes. The identity of contractors who have obtained proposals for bid purposes for a public contract is confidential until the bids are opened in public and recorded in the board minutes. Any employee who divulges confidential information to any unauthorized person will be subject to disciplinary action.

The superintendent or designee shall ensure that all affected personnel are aware of board policy requirements and applicable laws. Any individual aware of any violation of this policy or applicable laws should report such violation to the superintendent, or, if it involves the superintendent, to the board chairperson.

Legal References: G.S. 133-32, -33; 14-234, -234.1; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee Conflict of Interest (policy 7730)

Adopted: January 18, 2011

PARTICIPATION BY HISTORICALLY UNDERUTILIZED BUSINESSES

Policy Code:

6402

The board affirms the State's commitment to encourage participation of historically underutilized businesses in the school system's purchase of goods and services. The board of education prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability or religion.

The board has adopted the following verifiable percentage goals for participation in the school system's contracts by women and minority-owned businesses:

Four percent for participation by minority-owned, female-owned, disabled-owned, disabled business enterprises or non-profit work centers for the blind and severely disabled in the total annual value of all purchases of goods and services.

A. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board has adopted the following guidelines to ensure that the school system will make good faith efforts to reach diverse suppliers of goods and services and to encourage participation in the school system's purchasing progress by such suppliers. The school system will:

1. make information about the school system's purchasing procedures and bidding process readily available;
2. advertise for bids in media that reaches minority businesses;
3. ensure access to bidding documents needed for making bids on projects;
4. request directory information of businesses owned and controlled by minorities, women, disabled persons and nonprofit work centers for the blind or severely disabled by contacting the Division of Purchase and Contracts at the State Department of Administration;
5. sponsor or participate in purchasing seminars for all prospective vendors or, in particular for minority-owned, female-owned, disabled-owned, disabled business enterprises, and non-profit work centers for the blind or severely disabled;
6. provide information to HUBs on how to have a company name included on lists maintained by the Division of Purchase and Contracts at the State Department of Administration;
7. prepare vendor lists in accordance with policy 6442, Vendor Lists; and
8. where allowed by law, permit performance guarantees rather than performance bonds for contracts for goods and services.

B. DOCUMENTATION AND REPORTING

The superintendent or his or her designee will submit all legally required reports on the use of historically underutilized businesses and will document the use of businesses qualifying as historically underutilized businesses as necessary to comply with applicable laws.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-48, 143-128

Cross References: Vendor Lists (policy 6442), Participation by Women and Minority-Owned Businesses (policy 9125)

Adopted: January 18, 2011

ORGANIZATION OF THE PURCHASING FUNCTION

Policy Code:

6410

The board authorizes the superintendent, the finance officer and/or the purchasing administrator to purchase and supervise the purchasing of all materials, goods and supplies for the school system that are within the adopted budget of the board. No other school personnel shall be authorized to make purchases on behalf of the Whiteville City Schools.

The superintendent shall organize the purchasing function in a manner intended to meet the purchasing goals of the board.

The purchasing function includes the following responsibilities:

1. making purchases for all departments in accordance with applicable laws and regulations, including the requirements of the State Division of Purchase and Contract when applicable, board policy, the superintendent's directives, good purchasing practices and ethical principles;
2. establishing and enforcing a system for approving and accounting for purchases, including the use of approved requisition forms and purchase orders;
3. maintaining appropriate records on price quotations of supplies most frequently purchased;
4. maintaining other supplemental data to assist in making purchases at the most economical prices possible;
5. maintaining NC E-Procurement compliance and making purchases through the E-Procurement Service to the extent appropriate to maximize savings and efficiency in the purchasing function;
6. establishing a practical degree of standardization of equipment, supplies and materials with sufficient flexibility to meet unique needs of schools and departments;
7. operating a central inventory warehouse;
8. supervising the receiving of all materials, including establishing procedures to ensure received goods are properly inspected, counted and documented;
9. maintaining lists of potential bidders for various types of materials, equipment and supplies;
10. providing information regarding bidding opportunities to vendors;
11. providing information and service to schools and departments that wish to make

purchases; and

12. maintaining current information on all applicable laws, regulations, board policies and administrative procedures.

Legal References: G.S. 143-49, -52; 115C-522; N.C. Agency Purchasing Manual, Department of Administration, Division of Purchase and Contract

Cross References:

Adopted: January 18, 2011

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

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into unless the budget resolution adopted pursuant to policy 8110, Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy 6421, Pre-Audit Certification.) Any contract involving expenditures in excess of \$50,000.00 must be reviewed by the board attorney and approved in advance by the board. Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into contracts or approve change orders involving amounts up to \$50,000.00.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts involving amounts up to \$2,500.00. Principals may enter into contracts for the expenditure of school funds for the current school year only and may not enter into contracts or leases beyond the school year. Principals are not authorized to enter into contracts on behalf of the Whiteville City Schools or the board of education. Principals may not enter into any contract or agreement that purports to waive any legal right, including trial by jury, jurisdiction of the North Carolina courts, venue in Columbus County, North Carolina or any other right of recourse. The superintendent, with appropriate involvement of the finance officer, shall establish procedures as necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

B. CONTRACT FORMS

The board attorney shall review any contract forms developed for use by a school or the school system. The purchasing administrator may use approved forms as necessary. Approved forms shall include school and/or department requisitions, pre-numbered purchase orders, copies of quotes and bids, order discrepancy reports and purchase order journals. All documents shall be retained in accordance with applicable retention laws.

C. LEASE PURCHASE CONTRACTS

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

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

D. OTHER APPLICABLE POLICIES AND LAWS

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

All contracts involving construction or repair work or purchase of apparatus, supplies, materials or equipment must be undertaken in compliance with Chapter 143 of the North Carolina General Statutes, except as provided elsewhere by state law. Contracts must also comply with applicable board policies.

Legal References: G.S. 115C-36, -47, -440, -441, -522, -528; 143-49

Cross References: Pre-Audit Certification (policy 6421), Budget Resolution (policy 8110)

Adopted: January 18, 2011

A. INCURRING OF OBLIGATIONS

No obligation may be incurred by the school system unless the budget resolution includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year. If an obligation is evidenced by a contract or agreement requiring the payment of money, including a purchase order for supplies and materials, the contract, agreement or purchase order will include on its face a certificate stating that the instrument has been preaudited to assure compliance with this policy. The finance officer shall sign the certificate, which will take substantially the following form:

"This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act."

Signature of Finance Officer	Date
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An obligation incurred in violation of this policy is invalid and may not be enforced. The finance officer shall establish procedures to assure compliance with this policy.

B. PURCHASE ORDERS

All requests for the expenditure of budgeted funds require a purchase order or a check request, excepting salaries. Purchases orders and/or check requests at the building level must be approved and signed by the school principal.

C. DISBURSEMENTS

The finance officer must approve or disapprove the disbursement of funds for the payment of bills, invoices and claims presented against the Whiteville City schools. The finance officer may only approve disbursements if:

1. the amount is currently payable;
2. the budget resolution includes an appropriation authorizing the expenditure and either:
 - a. an encumbrance has been previously created for the transaction; or
 - b. an unencumbered balance remains in the budget appropriation sufficient to pay the amount to be disbursed.

The board may approve bills, invoices and claims presented against the Whiteville City

schools that have been previously disapproved by the finance officer under the conditions set forth in G.S. 115C-441 (c). No bill, invoice or other claim may be paid unless approved by the finance officer or by the board of education.

D. PAYMENT

The finance officer may make payment only by check or draft on an official depository of the school system, by a bank wire transfer from an official depository of the school system or by a warrant on the state treasure. Except as provided in this policy and state statute, each check and/or draft on an official depository shall bear on its face a certificate signed by the finance officer. The certificate for a disbursement shall take substantially the following form:

"This disbursement has been approved as required by the
School Budget and Fiscal Control Act."

Signature of Finance Officer

Date

No certificate is required on payroll checks or drafts or on state warrants.

E. PENALTIES

If any employee or officer of the Whiteville City Schools incurs an obligation, approves the disbursement of funds or makes payment or causes payment to be made in violation of this policy or state statute, he or she and the sureties on his or her official bond shall be liable for the sums committed and/or disbursed. If the finance officer provides a false certificate, the sureties on the finance officer's official bond shall be liable for any sums committed or disbursed pursuant to the false certificate.

Legal References: G.S. 115C-441

Cross References:

Adopted: January 18, 2011

Continuing contracts, including lease purchase contracts, installment purchase contracts, and straight leases, provide flexibility to meet the school system's needs within its financial resources. The board encourages the superintendent and finance officer to consider the viability of such options in making purchasing decisions as permitted by state law.

The following procedures and standards will be used in making decisions to enter continuing contracts.

1. In addition to cash price bids, the school system may solicit financing proposals from the equipment vendors or inform equipment vendors that the purchase of the equipment is contingent on obtaining satisfactory financing.
2. The finance officer or other designee of the superintendent shall analyze the fiscal impact of any continuing contracts, including the amount of interest to be paid and the useful life of the equipment or goods before entering into such a contract.
3. Straight leases and financing services are not subject to competitive bidding; however, a reasonable effort will be made to obtain a competitive price and good value.
4. Guaranteed energy savings contracts must be entered into following the procedures established in G.S. 143-64.17A, -64.17B, -64.17D, -64.17E, -128.2 and -135.3. Guaranteed energy savings contracts are exempt from otherwise applicable bidding requirements.
5. Policy 6420, Contracts with the Board, must be followed for all continuing contracts.
6. The finance officer shall report to the board on at least a quarterly basis on the overall debt load incurred through continuing contracts for goods and services (other than for employee salaries). The report will specify the principal, interest paid and amount of outstanding obligations.
7. The board attorney shall review installment financing agreements with terms of more than one year.

Legal References: G.S. 143-64.17A, -64.17B, -64.17D, -64.17E, -128.2, -129.4, -135.3; 115C-47(28), -441(c), -441(c1), -432(b)(4), -528, -530; 159, art. 8; 160A-19, -20

Cross References: Contracts with the Board (policy 6420), Planning to Address Facility Needs (policy 9000)

Adopted: January 18, 2011

STATE PURCHASING REQUIREMENTS FOR EQUIPMENT, MATERIALS, AND SUPPLIES

Policy Code:

6430

All purchases of apparatus, supplies, materials, and equipment will be made in accordance with all applicable laws and regulations, including Chapter 143 Article 8 of the North Carolina General Statutes, board policy, and school system purchasing procedures. All employees involved in purchasing must be familiar with these requirements.

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

Except as otherwise required by law or specified by the board, the board delegates to the superintendent the authority to award contracts for the purchase of apparatus, supplies, materials, and equipment involving amounts up to \$100,000. Any purchases or contracts involving expenditures greater than this amount must be approved by the board. The purchasing officer and any additional staff deemed appropriate by the superintendent shall review submissions of bids, proposals, or quotes to determine if they are responsive to the system's specifications and make recommendations to the superintendent. The superintendent may award the contract based upon such recommendations or make a recommendation to the board for award of the contract by the board.

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

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

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

Awards will be made to the lowest responsible bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract.

To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify. All contracts awarded must be in writing.

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

1. Competitive Sealed Bids

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

2. Reverse Auction

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

3. Exceptions to Formal Bids

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

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

The purchase of apparatus, supplies, materials, or equipment for expenditures of at least \$30,000 but less than \$90,000 must be secured through the informal bidding process governed by G.S. 143-131. The superintendent, in consultation with the purchasing officer, is authorized to determine the best method for securing informal bids on a product. The purchasing officer shall oversee the use of any purchasing method and ensure that all state requirements are met, including maintaining records of all bids submitted. Awards will be made to the lowest responsible, responsive bidder(s) whose bid or proposal meets the requirements and criteria set forth by the school system, taking into consideration quality, performance, and the time specified in the proposal for the performance of the contract.

1. Competitive Sealed Bids

Informal bid requirements may be met by the use of sealed bids. The purchasing

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

2. Quotations

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

3. Reverse Auction

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

4. Exceptions to Informal Bids

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

C. PURCHASES FOR LESS THAN \$30,000

Purchases for apparatus, supplies, materials, and equipment costing less than \$30,000 will be awarded pursuant to the standards provided in policy 6440, Local Purchasing Requirements for Equipment, Materials, and Supplies.

D. ELECTRONIC BIDDING

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

E. EXCEPTIONS TO THE FORMAL AND INFORMAL BIDDING REQUIREMENTS

The school system may utilize the following purchasing options instead of pursuing competitive bidding. Formal or informal bidding is not required if any of these processes are used. The purchasing officer shall gather information to document the basis for the

use of any exceptions to the competitive bidding requirements. The superintendent, in consultation with the purchasing officer, may determine that using one of the following exceptions is appropriate for a specific purchase or group of purchases.

1. Purchases from Other Governmental Agencies

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

2. Special Emergencies

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

3. Competitive Group Purchasing

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

4. State Term Contract

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

5. Sole Source Items

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

6. “Piggybacking” or Previously Bid Contracts

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

7. Purchases of Information Technology Goods and Services

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

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

8. Gasoline, Fuel, and Oil Purchases

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

9. Used Products

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

F. LEASE PURCHASE CONTRACTS AND OTHER CONTRACTS FINANCED OVER TIME

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

G. USE OF SCHOOL SYSTEM TERM CONTRACTS

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

H. HISTORICALLY UNDERUTILIZED BUSINESSES

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

Legal References: G.S. 115C-522; 143, art. 8; 143-129, -129.9, -131, -135.9; Sess. Law 2013-128

Cross References: Participation by Historically Underutilized Businesses (policy 6402), Organization of the Purchasing Function (policy 6410), Contracts with the Board (policy 6420), Local Purchasing Requirements for Equipment, Materials and Supplies (policy 6440)

Adopted: 13 January 2014

LOCAL PURCHASING REQUIREMENTS FOR EQUIPMENT, MATERIALS AND SUPPLIES

Policy Code:

6440

All purchases of equipment, materials and supplies will be made in accordance with applicable laws and regulations, including Chapter 143 Article 8 of the North Carolina General Statutes, board policy and any school system purchasing procedures. All employees involved in purchasing must be familiar with these requirements.

When competitive bidding is not required, purchases should be made locally, provided that the goods are at least equal in quality and offered at competitive prices with adequate service and delivery by local suppliers.. Purchasing decisions should be made after considering price, quality, suitability for specified need, and timeliness of delivery and performance. The board will not enter into a contract with any supplier or contractor when performance on any previous contract has been found to be unsatisfactory by the superintendent or the board.

Records of all informal bids will be kept but will not be available for public inspection until the contract has been awarded. Such records should include the date the bid is received, from whom it is received, and for what item it is made.

Legal References: G.S. 115C-36; 143 art. 8; 143-129, -129.9, -131, -135.9

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

Adopted: January 18, 2011

BIDDERS' LIST

Policy Code: **6441/9121**

The board encourages processes that will foster competition among potential bidders. The identity of contractors who have obtained proposals for bid purposes for a public contract is confidential until the bids are opened in public and recorded in the board minutes. Any employee who divulges such information to any unauthorized person will be subject to disciplinary action.

This policy is not intended to limit the superintendent's discretion to conduct prebid meetings.

Legal References: G.S. 133-33

Cross References: Ethics and the Purchasing Function (policy 6401)

Adopted: January 18, 2011

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

Suppliers may submit a request to be placed on the list of vendors. The superintendent or designee has the discretion to determine which vendors are included on the list and may establish standards for being placed on the list or for remaining on the list. The superintendent is encouraged to include vendors listed as historically underutilized businesses with the Division of Purchase and Contracts at the N.C. Department of Administration.

Legal References: G.S. 115C-522

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

Adopted: January 18, 2011

Services will be purchased in a manner consistent with the board's purchasing goals. Competitive bidding is not required for the purchase of services; however, contracts for services will be made under conditions that foster competition among potential providers when feasible and after careful pricing. All service contracts having a value of \$5,000.00 or more shall be submitted to the board for approval.

A. COMMISSIONED SERVICES

The following criteria shall apply to contracts for services involving commissions to the school system or individual schools:

1. the service provider shall guarantee the quality and service and must be capable of providing the contracted service;
2. these services must be opened for bidding at least every three (3) years;
3. all invitations to bid and all responsive bids shall be in writing and the resulting contractual agreement shall be in writing;
4. the bid that meets the specified criteria and is most advantageous to the school or school system shall be accepted;
5. if there is only a single bid or if reasonable competition is not obtained, the reason shall be set forth and made a matter of record; and
6. all documents regarding the commissioned services shall be maintained pursuant to documents retention laws.

B. ADDITIONAL REQUIREMENTS FOR PHOTOGRAPHY SERVICES

The above criteria shall apply to contracts for photography services. In addition, the following criteria are also required for photography services.

1. All students shall have the option of being photographed for the yearbook without obligation to purchase pictures.
2. Each school principal shall send notice of the school's requirements and specifications to more than one photographer, including any photographer that has requested the specifications for regular school pictures and senior pictures only.
3. Unrelated photography projects, including prom, graduation, athletic team pictures, may be arranged by the principal of each school and must be in writing.

4. The principal of each school shall require and obtain from the photographer a verified list of each sale by student name and purchase price and shall maintain this list for a period of five years.

Legal References: G.S. 115C-36

Cross References: Goals of the Purchasing Function (policy 6400)

Adopted: January 18, 2011

GOALS OF EQUIPMENT, MATERIALS AND SUPPLIES SERVICES

Policy Code:

6500

Services for managing the school system's equipment, materials and supplies will be organized by the superintendent and operated in a manner consistent with the following goals:

1. enhancing students' opportunity to learn;
2. utilizing technological advances and other improvements in equipment, materials and supplies to increase the effectiveness and efficiency of personnel;
3. obtaining uniformity in the equipment, materials and supplies used throughout the system to the extent that such uniformity promotes efficiency;
4. efficiently storing, maintaining and retrieving equipment, materials and supplies;
5. maximizing the useful life of equipment, materials and supplies;
6. extending the usefulness of equipment, materials and supplies through reuse;
7. using and disposing of property in an environmentally sound manner; and
8. providing prompt and courteous service to vendors, school system personnel and others who have a need to interact with the school system in regard to equipment, materials and supplies.

Legal References: G.S. 115C-36

Cross References:

Adopted: January 18, 2011

ORGANIZATION OF EQUIPMENT, MATERIALS AND SUPPLIES SERVICES

Policy Code:

6510

A. MANAGEMENT

The superintendent shall provide centralized services for purchasing, receiving, storing and maintaining equipment, materials and supplies. Such services will be provided in a manner consistent with board goals.

The superintendent or designee shall make reasonable efforts to be informed of and to implement progressive practices in managing equipment, materials and supplies services. Conscientious efforts will be made in the management of these resources to achieve efficiency and economy through centralized and bulk purchasing when consistent with available storage and distribution facilities. Good management also requires that needed supplies, materials, equipment and spare parts be readily available when and where they are needed and that space not be used for housing unnecessary inventory. The superintendent shall develop administrative procedures for providing and using centralized services and monitor compliance with these procedures.

B. RECORD KEEPING

The superintendent or designee shall maintain proper records in accordance with accepted business standards and any legal requirements. These records include inventory records, receiving and distribution records, and equipment maintenance records at the system and school levels.

C. ISSUANCE OF EQUIPMENT, MATERIALS AND SUPPLIES

All individuals, including principals, teachers, other personnel and students, are responsible for any board-owned equipment, materials or supplies they have been issued. Responsibilities include accounting for items, maintaining and using items in a prudent manner, and storing items in a reasonably safe and secure place.

D. INVENTORIES

The superintendent or designee is responsible for maintaining proper records in accordance with accepted business standards and any legal requirements. These records include inventory records, receiving and distribution records, and equipment maintenance records at all levels of the school system. An inventory of all furniture, equipment, machinery, materials and supplies contained in each building of the school system shall be taken annually and maintained by the principal. The results of the inventory shall be recorded on forms provided by the superintendent and copies shall be kept in fireproof and secure files in the office of the principal and the finance officer.

An inventory of consumable materials and supplies shall be maintained by each building-

level administrator and reported to the finance officer by June 30 of each school year.

Legal References: G.S. 115C-36

Cross References: Goals of Equipment, Materials and Supplies Services (policy 6500), Use of Equipment, Materials and Supplies (policy 6520)

Adopted: January 18, 2011

USE OF EQUIPMENT, MATERIALS AND SUPPLIES

Policy Code:

6520

Equipment, materials and supplies are intended to further the board's goals as provided in policy 6500, Goals of Equipment, Materials and Supplies Services. Any use that is inconsistent with these goals is not permitted. Equipment, materials and supplies are made available for use in schools, on school system property or at school-related events. The superintendent or building-level supervisor shall establish procedures or rules for allowing individuals or organizations to take such items, especially those of significant value, off of school premises. School employees are responsible for replacement/repair of equipment, materials, and supplies removed from school property.

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

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

Adopted: January 18, 2011

**PERSONAL USE
OF EQUIPMENT, MATERIALS AND SUPPLIES**

Policy Code:

6521

The board controls all equipment, materials and supplies purchased, leased or received as a gift. School personnel and students may not employ such items for personal use unless the following conditions are met: (1) the use is authorized by the principal or building-level supervisor; (2) the use will have no or minimal effect on the useful life of the item; (3) the use will not interfere with use for school system purposes; and (4) the use will not interfere with the requesting individual's job responsibilities or school assignments. Any individual obtaining permission is charged with proper preservation and care of the property.

The superintendent or building-level supervisor shall establish procedures providing that the following items are restricted and intended for official school use only, unless special permission is granted by the board of education, the superintendent or the principal:

1. school-owned vehicles;
2. school-owned telephones, including land and mobile;
3. postage meter or postage stamps;
4. copying equipment; and
5. other equipment such as, but not limited to, computers and TVs.

Legal References: G.S. 115C-36, -523, -524

Cross References: Use of Equipment, Materials and Supplies (policy 6520)

Adopted: January 18, 2011

USE OF EQUIPMENT, MATERIALS AND SUPPLIES BY NON-SCHOOL GROUPS

Policy Code:

6522

Members of the community may use resources in the media centers whenever the centers are open to the public. Students and school-related functions have priority over community members and non-school-related functions.

Members of the community and non-school groups may also request the loan of school property. The superintendent or designee, or principal if the requested property has been issued to the school, shall review requests. Property will be loaned only if the following conditions are met: (1) the use will have no or minimal effect on the useful life of the property; (2) the group's use of the property will not interfere with use for school system purposes; and (3) any other conditions required by the superintendent. Unless authorized by the superintendent or designee, property of a value greater than \$250.00 will not be loaned. Unless authorized by the superintendent or designee, board property may not be taken off of school grounds.

Any agreement to loan the property with a value greater than \$2,000.00 must be in writing. The agreement must specify that the individual or group receiving the loan will be responsible for the proper care and preservation of the property and will compensate the school system for any loss in value as it is determined by the superintendent or designee. The agreement also must stipulate that no liability will attach to the board, individually or collectively, and that the board will be held harmless for personal injury suffered by the use of school property pursuant to such agreements. A reasonable use fee may be set by the superintendent or designee and included in the agreement. The superintendent is authorized to enter into such written agreements on behalf of the board.

Legal References: G.S. 115C-36, -523, -524

Cross References: Schools and the Community (policy 5000), Contracts with the Board (policy 6420), Use of Equipment, Materials and Supplies (policy 6520)

Adopted: January 18, 2011

The school system computers, networks and other technological resources support the educational and administrative functions of the school system. Because employees and students depend on these systems to assist with teaching and learning and because sensitive and confidential information may be stored on these systems, system integrity and security is of utmost importance.

A. NETWORK AND INFORMATION SECURITY

The school system information technology systems are valuable assets that must be protected. To this end, school technology personnel shall evaluate each information technology asset and assign protective controls that are commensurate with the established value of such assets. Appropriate security measures must be in place to protect all information technology assets from accidental or unauthorized use, theft, modification or destruction and to prevent the unauthorized disclosure of restricted information. Network security measures must include an information technology system disaster recovery process. Audits of security measures must be conducted annually.

All personnel shall ensure the protection and security of information technology assets that are under their control.

B. SECURITY AWARENESS

The technology director or designee shall provide employees with information to enhance awareness regarding technology security threats and to educate them about appropriate safeguards, network security and information security.

C. VIRUS PROTECTION

Virus detection programs and practices must be implemented throughout the school system. The superintendent or designee is responsible for ensuring that the school system network includes current software to prevent the introduction or propagation of computer viruses.

D. TRAINING FOR USE OF TECHNOLOGICAL RESOURCES

Users should be trained as necessary to effectively use technological resources. Such training should include information related to remote access, virus protection, NC WISE, network and information security, and other topics deemed necessary by the superintendent or technology director. Each school should identify any staff development appropriations for technological training in its school improvement plan. The superintendent and technology director should assist schools in coordinating staff development needs as provided in policy 1610/7800, Professional and Staff Development.

E. ACCESS TO INFORMATION TECHNOLOGY SYSTEMS**1. User ID and Password**

All users of information technology systems must be properly identified and authenticated before being allowed to access such systems. The combination of a unique user identification and a valid password is the minimum requirement for granting access to information technology systems. Depending on the operating environment, information involved and exposure risks, additional or more stringent security practices may be required as determined by the superintendent or technology director. The technology director or designee shall establish password management capabilities and procedures to ensure the security of passwords.

2. NC WISE

The technology director or designee shall ensure that any school system computers utilizing the NC WISE application pursuant to State Board of Education Policy TCS-C-018 adhere to requirements of the NC WISE Password and Workstation Policy, including provisions related to the user identification, password and workstation security standards. Employees must follow such standards for all computers used to access the NC WISE system, including the employee's personal computer.

3. Remote Access

The superintendent and technology director may grant remote access to authorized users of the school system's computer systems. The technology director or designee shall ensure that such access is provided through secure, authenticated and carefully managed access methods.

Legal References: G.S. 115C-523, -524; State Board of Education Policy TCS-C-018

Cross References: Professional and Staff Development (policy 1610/7800), Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), School Improvement Plan (policy 3430), Use of Equipment, Materials and Supplies (policy 6520)

Adopted: January 18, 2011

All students will be issued the necessary textbooks for their course work free of charge. In an effort to reduce educational costs and to promote individual responsibility for public property, the board establishes the following requirements for this service.

1. Records will be kept on the condition of all textbooks, including the condition of the books at the time they are issued to students.
2. Instructional personnel shall emphasize to students their responsibility to maintain materials in good condition.
3. Students who lose or fail to return issued textbooks will be charged the cost of the book before a replacement will be issued.
4. Students who return a book in such condition as to make it unusable for another student will be charged for replacing it.
5. Parents or guardians will be notified of the student's responsibility in caring for textbooks properly and of the parents' or guardians' responsibility for paying for any textbooks that are lost or appreciably damaged.

Legal References: G.S. 115C-99, -100

Cross References:

Adopted: January 18, 2011

The board is committed to making resource conservation an integral part of the school system's operation and to providing an example to students and the community of responsible stewardship of natural resources.

The superintendent shall establish programs that will help the school system meet the following board goals:

1. integrating the concept of resource conservation, including waste reduction and recycling, into the curriculum;
2. reducing the consumption of consumable materials whenever possible;
3. fully utilizing all materials prior to disposal;
4. minimizing the use of non-biodegradable products whenever possible;
5. purchasing recycled products when financially viable; and
6. encouraging suppliers, both private and public, to make recyclable products and unbleached paper products available for purchase by public schools.

Legal References: G.S. 115C-36

Cross References:

Adopted: January 18, 2011

The board of education recognizes its responsibility for providing an environment that is reasonably secure from known hazardous materials. These materials include any substance or mixture of substances that poses a fire, explosive, reactive or health hazard as more fully defined by law.

The superintendent shall develop procedures or programs as necessary to address compliance with applicable laws and regulations and the following board requirements.

1. Purchasing, storing, handling, transporting and disposing of hazardous materials for all school facilities must be addressed in a reasonably safe manner.
2. Substituting less dangerous substances for hazardous materials should be done whenever feasible.
3. Training will be provided to appropriate school personnel on precautions to prevent accidents and to handle accidents in the event they occur.

The superintendent, principals and other building-level supervisors shall monitor compliance with this policy, administrative procedures, and applicable laws and regulations.

Any individual who is concerned that a hazardous material is not being handled properly or that a hazardous material may cause an unreasonable risk to safety should notify the principal, building-level supervisor or superintendent immediately.

It is not the intent of the board to expand or modify the school system's potential liability exposure through the adoption of this policy. The school system's voluntary compliance with any statute or regulation to which it is not otherwise subject will not be construed to create or assume any potential liability under any local, state or federal law or regulation.

Legal References: Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*; Oil Pollution and Hazardous Substances Control Act, G.S. 143, art. 21A; Solid Waste Management Act, G.S. 130A, art. 9; 15A N.C.A.C. 13A

Cross References:

Adopted: January 18, 2011

Vandalism is the willful destruction of and/or damage to school property, equipment or materials. The board will not tolerate vandalism and may seek criminal prosecution and take any legal action available for recovery of the loss.

All losses that may be due to vandalism will be reported and recorded in accordance with procedures established by the superintendent. The principal shall notify the superintendent or designee immediately of any forceful entry that results in theft and/or damages to school property. A written report of the incident shall be made within 24 hours of discovery and filed in duplicate with the superintendent and at the building level.

The board may offer a reward in an amount not to exceed \$300.00 for information leading to the arrest and conviction of any person or persons willfully defacing, damaging or destroying school property or committing larceny of school-owned property. The reward shall be considered a current expense. The reward shall be offered and payable to the general public, excepting law enforcement, employees of the school system and other persons prohibited by law from receiving the reward.

Policies on student behavior apply to any student who has participated in vandalizing school property. If a student, through gross negligence or willfulness, damages or destroys school property, the teacher shall report it to the principal. The principal shall request payment for the damage from the parents and/or guardians of the student. In the event that payment is not made, the principal shall advise the superintendent or designee. The superintendent or designee shall seek repayment for the damage in accordance with applicable law.

Legal References: G.S. 1-538.1; 14-132, -132.2; 115C-100, -276(c), -288(f), -307(h), -398, -399, -523, -524, -526

Cross References: Security of Facilities (policy 9220)

Adopted: January 18, 2011

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

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

A. PROPERTY WORTH LESS THAN \$30,000

Pursuant to G.S. 160A-266(c), the board permits the superintendent or designee to dispose of personal property worth less than \$1000.00 for a single item or group of similar items; to set the property's fair market value; and to convey title to the property for the board of education. Prior to disposition, the superintendent or designee must make a finding that the property is no longer necessary or desirable for school use.

For property worth \$1000.00 to \$5000.00, the superintendent or designee shall determine and recommend to the board of education whether or not items or groups of similar items are unnecessary or undesirable for school purposes. The recommendation must include the description of the items or the groups of items and a recommended method of sale or disposition.

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

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

B. PROPERTY WORTH \$30,000 OR MORE

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

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

Cross References: Inventory of Fixed Assets (policy 8350)

Adopted: January 18, 2011

A. GENERAL PRINCIPLES

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

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

B. RECRUITMENT

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

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

C. CRIMINAL HISTORY

Applicants must notify the assistant superintendent 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 assistant superintendent 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 assistant superintendent of human resources no later than the next business day following adjudication.

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or

designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

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

D. SELECTION

1. Qualifications

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

- a. application;
- b. education and training;
- c. licensure and certification (when applicable);
- d. relevant experience;
- e. personal interviews; and

- f. references and/or background checks.

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

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, siblings, 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. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; *Green v. Missouri Pacific Railroad* (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012) available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 115C-36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1; 127B-10, -12, -14; 143B-421.1, -931; 16 N.C.A.C. 6C .0313; State Board of Education Policies TCP-C-017 and TCP-D-009

Cross References: Registered Sex Offenders (policy 5022)

Adopted: February 9, 2015

**INFORMATION PROVIDED
BY APPLICANT OR EMPLOYEE**

Policy Code: **7110**

All information provided to the personnel office by an applicant for employment or by an employee must be true, accurate and complete to the best of that applicant's or employee's knowledge. Presenting information to the personnel department that is intended to defraud, falsify, materially misrepresent or conceal the truth will be considered just cause for terminating the application process or, as a violation of board policy, grounds for dismissing an employee.

Legal References: G.S. 115C-47(18), -325(e)(1)(o)

Cross References:

Adopted: 14 April 2011

All new employees, as well as employees who have been separated from public school employment for more than a year or who have been absent for more than 40 successive school days because of a communicable disease, must provide a fully completed health certificate from a physician, physician's assistant or nurse practitioner licensed to practice in the state of North Carolina. Such certificate must certify that the employee does not have tuberculosis in the communicable form; any other communicable disease; or any disease, physical or mental, that would impair the ability of the individual to perform effectively in his or her duties. The board or superintendent may require any individual covered by this policy to have a physical examination when deemed necessary.

Health certificates will be maintained in separate, confidential medical files in the personnel office.

Legal References: G.S. 115C-323

Cross References:

Adopted: 14 April 2011

The board intends to comply fully with all licensure requirements of the No Child Left Behind Act of 2001 (NCLB), state law and State Board of Education policies. Except as provided below, a professional employee must hold at all times a valid North Carolina license appropriate to the position in which he or she is employed. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by NCLB. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history and geography.

The board encourages lateral entry into the teaching profession by skilled individuals from the private sector.

A. BEGINNING TEACHER SUPPORT

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The superintendent or designee shall submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year.

B. LICENSE RENEWAL

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

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

C. PARENTAL NOTIFICATION

At the beginning of each school year, the school system shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC licensing requirements; whether the teacher has had any licensure requirements waived; what the teacher's bachelor degree major(s) is/are; what other degrees and teaching license area(s) the teacher holds; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

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

D. EQUITABLE DISTRIBUTION OF HIGHLY QUALIFIED TEACHERS

The superintendent shall develop a plan in accordance with DPI requirements to ensure that low-wealth, minority, learning disabled and/or English language learners are taught by experienced and highly qualified teachers to the same extent as are students who do not fall into these categories. If DPI does not require such plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: No Child Left Behind Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; 20 U.S.C. 6319; 20 U.S.C. 7801(11); G.S. 115C-296, -325(e)(1)(m), -333,; State Board of Education Policies TCP-A-series

Cross References:

Adopted: 14 April 2011

A. HIGHLY QUALIFIED TEACHERS DEFINED**1. Elementary School Teachers**

To be a “highly qualified teacher” at the elementary school level, a teacher must have an appropriate license for the core academic subjects taught. A teacher must also demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum by passing the Praxis II exams required for the license.

2. Middle and High School Teachers

To be a “highly qualified teacher” at the middle and high school levels, a teacher must have a middle school or secondary license in the teaching area required for each teaching assignment. A teacher must also demonstrate a high level of competency by:

- a. Passing the required PRAXIS II test(s) in each academic subject in which he or she teaches; or
- b. Successfully completing in each academic subject in which he or she teaches any of the following:
 - 1) an undergraduate major;
 - 2) coursework equivalent to an undergraduate major;
 - 3) a graduate degree in the core teaching subject area(s);
 - 4) master’s level licensure or above in the appropriate subject area; or
 - 5) National Board for Professional Teaching Standards certification in the related subject area(s).

3. Exceptional Children’s and English as a Second Language (ESL) Teachers

To be a “highly qualified teacher” in an exceptional children’s class or ESL class, a teacher must have the exceptional children’s and/or ESL license required for the teaching assignment. The teacher must also demonstrate the subject knowledge and teaching skills in the content areas taught by passing the PRAXIS II exams required for the license. This paragraph applies to exceptional children’s teachers and ESL teachers who are the teachers of record for core academic areas.

4. Out-of-State Teachers

An out-of-state teacher who submits documentation that he or she has been deemed “highly qualified” in another state will be designated “highly qualified” in North Carolina provided that he or she has at least a bachelor's degree from an accredited college or university. This documentation may include satisfactory test scores from the originating state, verification of satisfactory completion of the High Objective Uniform State Standard for Evaluation (HOUSSE) for the originating state, or verification of National Board Certification, as authorized by the No Child Left Behind Act.

5. Veteran Teachers

A veteran teacher may use the NC HOUSSE to establish that he or she is “highly qualified,” provided that he or she has taught full time with a reciprocal state license for not less than six successive calendar months in one school system, charter school, or non-public institution. To utilize NC HOUSSE to be deemed “highly qualified” in a content area, the teacher must satisfy the relevant requirements of State Board of Education (SBE) Policy TCP-A-001, Sec. 1.01.

B. BEGINNING TEACHER SUPPORT

The plan for beginning teacher support must:

1. Describe adequate provisions for efficient management of the program.
2. Designate an official to verify eligibility of beginning teachers for a continuing license.
3. Provide for a formal orientation for beginning teachers that includes a description of available services, training opportunities, the teacher evaluation process and the process for achieving a continuing license.
4. Address compliance with the optimum working conditions for beginning teachers identified by the SBE.
5. Address compliance with the mentor selection, assignment and training guidelines identified by state law and the SBE.
6. Provide for the involvement of the principal or designee in supporting the beginning teacher.
7. Provide for a minimum of four observations per year in accordance with G.S. 115C-333, using the instruments adopted by the SBE for such purposes or other instruments that have been validated according to the SBE’s standards. The plan

must also address the appropriate spacing of observations throughout the year and specify a date by which the annual summative evaluation is to be completed.

8. Provide for the preparation of an Individualized Growth Plan (IGP) by each beginning teacher in collaboration with the principal or designee and the mentor teacher.
9. Provide for a formal means of identifying and delivering services and technical assistance needed by beginning teachers.
10. Provide for the maintenance of a cumulative beginning teacher file that contains the IGP and evaluation of report(s).
11. Provide for the timely transfer of the cumulative beginning teacher file to successive employing LEAs, charter schools, or non-public institutions within the state upon the authorization of the beginning teacher.
12. Describe a plan for the systematic evaluation of the Beginning Teacher Support Program to assure program quality, effectiveness and efficient management.
13. Document that the board has adopted the plan.

Legal References: No Child Left Behind Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-56; G.S. 115C-296, -325(e)(1)(m), -333,; State Board of Education Policies TCP-A-series

Cross References:

Adopted: 14 April 2011

The board encourages employees to contribute their ideas for the betterment of the school system. School employees will be asked to help with developing policies, administrative procedures, and goals and objectives and with planning curricula, services, budgets and facilities.

In devising rules and procedures for the operation of the schools, administrators shall seek the suggestions of those employees who will be affected by such provisions. When desirable, professional employees will be given an opportunity to contribute to curriculum development and to recommend policies and administrative procedures that pertain to students and instruction.

The superintendent shall develop channels for communicating ideas among employees, the administration and the board and shall inform the board of employee opinions when presenting recommendations for board actions.

The board believes that a school environment best meets the needs of students when decision-making is shared and responsibilities are clearly defined at the building-level and the system-level. It is the belief of the board that employees responsible for implementing decisions should have a voice in making the decision and that all community members have a stake in public education and should have a voice in the decision-making process.

The board is responsible for the essential governance of the school system and strives to maintain system-wide consistency but will foster participation by staff in the practice of site-based management. The superintendent shall establish procedures for site-based management.

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

Cross References:

Adopted: 14 April 2011

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

A. PROHIBITED ACTIVITIES

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

B. APPLICABILITY

This policy governs each employee before, during, and after school hours while the employee is on any property owned or leased by the board of education; at any time during which the employee is acting in the course and scope of his or her employment with the board of education; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

C. REASONABLE SUSPICION TO SEARCH

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

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who

refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

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

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

D. DUTY TO REPORT

An employee must notify his or her supervisor in writing of any conviction under any criminal drug statute for a violation occurring within the scope of Section B of this policy. Notification must be given no later than the next scheduled business day after such conviction, in accordance with policy 7300, Staff Responsibilities. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the director of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

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

All employees shall receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 701 *et seq.*; 21 C.F.R. 1300.01-.04 and 1308.11-1308.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega*, 480 U.S. 709 (1987)

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

Adopted: 13 January 2014

DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

Policy Code: **7241**

The purpose of this policy is to help ensure safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program for the drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

A. APPLICABILITY

Persons subject to this policy include any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of duties for the board of education, including anyone who regularly or intermittently drives a school bus, activity bus or other vehicle designed to transport 16 or more people, including the driver.

B. PROHIBITED ACTS

Commercial motor vehicle operators employed by the board must not be impaired by alcohol or by a prescription or nonprescription drug while on duty or while operating any motor vehicle. For the purposes of this policy, an employee is considered impaired by alcohol in all cases when testing reveals a blood alcohol content of higher than 0.02. Further, no driver will be permitted to perform safety sensitive functions if evidence exists of alcohol consumption. In addition, commercial motor vehicle operators, and anyone who supervises commercial motor vehicle operators, must not commit any act prohibited by federal law, including “Controlled Substances and Alcohol Use and Testing” (49 C.F.R. pt. 382, hereinafter referred to as Part 382), by this policy or by policy 7240, Drug-Free and Alcohol-Free Workplace. No driver may operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver’s body in violation of G.S. 20-138.2B.

C. TESTING

The human resources office shall carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by Part 382. School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle must undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382.

All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the board of education.

D. PRE-EMPLOYMENT INQUIRY

All applicants who would be subject to this policy if employed must consent in writing to

the release of any information gathered pursuant to Part 382 by any of the applicant's previous employers.

Before employing any applicant covered by this policy or Part 382, the administration shall obtain, pursuant to written consent, all records maintained by the applicant's previous employer of prohibited acts by the applicant that have taken place in the two years prior to the inquiry date.

E. TRAINING AND EDUCATION

Each commercial motor vehicle operator and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences and other aspects of Part 382, this policy and any attached administrative procedures. The information also will identify a school system employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying receipt of these materials.

Each supervisor responsible for overseeing the performance of commercial motor vehicle operators, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and an additional hour of training concerning drug abuse.

F. REFERRALS

Each motor vehicle operator who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. Before anyone who has committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive again, that person must be evaluated by a substance abuse professional and must satisfactorily complete any appropriate treatment designated by the substance abuse professional.

G. PENALTIES

Employees who have committed a prohibited act; refused any test required by this policy; or otherwise violated this policy, G.S. 20-138.2B, or Part 382 will be subject to disciplinary action up to and including dismissal.

H. PROCEDURES

All procedures provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug Testing Programs" (49 C.F.R. pt. 40) for collection and testing and all requirements in Part 382, including testing, reporting, record retention,

training and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.

Legal References: 49 U.S.C. 31306; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B. 95, art. 20

Cross References: Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: 14 April 2011

OCCUPATIONAL EXPOSURE TO BLOODBORNE PATHOGENS

Policy Code:

7260

It is the policy of the board to comply with federal and state regulations and standards regarding bloodborne pathogens as set forth in the Federal Register, 29 C.F.R. 1910.1030, and the North Carolina Administrative Code, 13 N.C.A.C. 7F .0207, by attempting to limit or prevent occupational exposure of employees to blood or other potentially infectious bodily fluids and materials that may transmit bloodborne pathogens and lead to disease or death.

A. REASONABLY ANTICIPATED OCCUPATIONAL EXPOSURE

Employees who have occupational exposure to bloodborne pathogens are covered by the Occupational Safety and Health Administration (OSHA) Bloodborne Pathogens Standard, the North Carolina Administrative Code, and this policy. "Occupational exposure" includes any reasonably anticipated skin, eye, mucous membrane or parenteral (brought into the body through some way other than the digestive tract) contact with blood or other potentially infectious materials that may result from the performance of an employee's duties. "Good Samaritan" acts, such as assisting a co-worker or a student with a nosebleed, would not be considered "reasonably anticipated occupational exposure," and employees whose only anticipated exposure to bloodborne pathogens would result from such acts are not considered to have occupational exposure.

B. UNIVERSAL PRECAUTIONS

Universal precautions must be used at all times. Employees should handle all blood, bodily fluid and other potentially infectious material as if the material is infected. The program standards for the control of potential exposure to Human Immunodeficiency Virus (HIV) and Hepatitis B Virus (HBV) as outlined in the OSHA Rule, "Occupational Exposure to Bloodborne Pathogens" (Standard 1910.1030), and the NC Administrative Codes and/or the most current standards available must be followed.

C. EXPOSURE CONTROL PLAN

The superintendent shall ensure that an Exposure Control Plan is developed in accordance with OSHA regulations or the most current available federal and/or state standards issued to eliminate or minimize employee occupational exposure to blood or certain other bodily fluids that may carry infectious materials. In addition, the superintendent shall ensure that the following requirements are met.

1. The Exposure Control Plan must provide, at a minimum, for the following:
 - a. a determination of who is at risk for an exposure incident;
 - b. what the school system will do to protect employees from exposure incidents, including the use of universal precautions, engineering and work practice

- controls and, as appropriate, personal protective equipment;
 - c. how to deal with an exposure incident, including post-exposure evaluation and follow-up;
 - d. who should be vaccinated for Hepatitis B; and
 - e. communication, training and record-keeping procedures.
2. All elements of the Exposure Control Plan must be met.
 3. All employees must have access to a copy of the Bloodborne Pathogens Policy and Exposure Control Plan.
 4. The Exposure Control Plan must be reviewed and updated at least annually.

D. TESTING

An employee who suspects that he or she has been exposed to blood or bodily fluid on the job may request to be tested, at the school system's expense, provided that the suspected exposure poses a significant risk of transmission as defined in the rules of the Commission for Public Health. The HIV and HBV testing of a person who is the source of an exposure that poses a significant risk of transmission must be conducted in accordance with 10A N.C.A.C. 41A .0202 (4) (HIV) and 41A .0203(b)(4) (HBV). The school system shall strictly adhere to existing confidentiality rules and laws regarding employees with communicable diseases, including HIV or HIV-associated conditions.

E. NONDISCRIMINATION POLICY

The school system shall not discriminate against any applicant or employee who has or is suspected of having a communicable disease, including tuberculosis, HBV, HIV infection or Acquired Immune Deficiency Syndrome (AIDS). An employee may continue to work as long as the employee is able to satisfactorily perform the essential functions of the job and there is no medical evidence indicating that the employee's condition poses a significant, direct threat to co-workers, students or the public.

Legal References: 29 C.F.R. 1910.1030; G.S. 95 art. 16; 13 N.C.A.C. 7F .0207; 10A N.C.A.C. 41A .0202(4), 41A .0203(b)(4)

Cross References: Communicable Diseases – Employees (policy 7262)

Adopted: 14 April 2011

It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and the need to control the spread of serious communicable diseases and conditions, the superintendent shall make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her supervisor so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases, including HIV and AIDS, as set forth in 10A N.C.A.C. 41A .0101. This policy must be shared with school employees annually and with new employees as part of any initial orientation. The superintendent will be responsible for overseeing the implementation of the provisions of this policy.

A. COMMUNICABLE DISEASE DEFINED

A communicable disease is defined as an illness due to an infectious agent, or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

B. SAFETY CONTROL MEASURES

1. Handling Bodily Fluids

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, must be distributed by the human resources office and followed by all school system employees. Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Education on the risks of bloodborne pathogens will be provided to employees on an annual basis. At such time, employees will be encouraged to receive a Hepatitis B Virus Vaccination and be given opportunities to ask questions. Faculty should not allow students to be involved in the handling, disposal and cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services.

Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the director of the personnel office any failure by a staff member or a

student to follow the universal precautions, including their own.

2. Reporting Communicable Diseases

In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other employees as necessary to prepare and file a report. All information must be kept strictly confidential.

3. Following Health Control Measures for Communicable Diseases

Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director and take all necessary precautions to prevent the transmission of the disease or condition. Any school system employee who has reason to believe that a fellow employee is not following safe practices, including the universal precautions, must report this failure to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

4. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

C. EMPLOYMENT STATUS OF EMPLOYEE

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

- a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition, or
- b. believes that he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.

The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

2. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee to the extent necessary to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent shall determine:

- a. to what degree the employee's presence in his or her current job exposes students or other employees to possible transmission of the disease; and/or
- b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel must be kept confidential and separate from other personnel file

information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 29 C.F.R. 1630; G.S. 130A, art. 6; 10A N.C.A.C. 41A .0101 *et seq.*

Cross References: Communicable Diseases – Students (policy 4230); Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted: 14 April 2011

OCCUPATIONAL EXPOSURE TO HAZARDOUS CHEMICALS IN SCIENCE LABORATORIES

Policy Code:

7265

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

A. UNIVERSAL PRECAUTIONS

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

B. SCHOOL SYSTEM REQUIREMENTS

The superintendent shall ensure that:

1. a Chemical Hygiene Plan is developed in accordance with OSHA-issued regulations or the most current available federal and/or state standards issued and that all elements of the Chemical Hygiene Plan are met, including, but not limited to, standard operating procedures for handling hazardous chemicals, such as the use of personal protective equipment and hygiene practices; control measures to reduce employee exposure to hazardous chemicals; standards for laboratory protective equipment; identification of laboratory procedures and activities requiring prior approval; proper employee training; and the assignment of a Chemical Hygiene Officer;
2. bulk elemental mercury, chemical mercury compounds and bulk mercury compounds are no longer used as teaching aids in science classrooms;
3. labels on incoming containers of hazardous chemicals are not removed or defaced, all material safety data sheets received with incoming shipments are maintained and readily accessible to employees, and a current inventory of chemicals is in use and maintained;
4. all employees are trained and apprised of the hazards of chemicals present in their work area and understand how to report unsafe conditions and how to perform proper cleanup;

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

C. TESTING

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

Legal References: 29 C.F.R. 1910.1450; G.S. 115C-47(49); 13 N.C.A.C. 7F .0101; State Board of Education Policy 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: 14 April 2011

For students to succeed, all school employees must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;
2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;
3. demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others;
4. address or appropriately direct any complaints concerning school employees, the school program or school operations; and
5. support and encourage good school-community relations in all interactions with students, parents and members of the community.

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

Failure by an employee to provide timely notice as described above may lead to disciplinary action up to, and including, dismissal.

Legal References: G.S. 115C-47, -307, -308

Cross References:

Adopted: 14 April 2011

The board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students and parents engaging, learning, collaborating and sharing in digital environments as part of 21st century learning. The board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the board will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities in accordance with policy 3225/4312/7320, Technology Acceptable Use.

The board acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers, independent contractors and volunteers shall comply with the requirements of this policy when using electronic social media for personal purposes.

For the purposes of this policy, “social media” includes, but is not limited to: personal websites, web logs (blogs), wikis, social network sites, online forums, virtual worlds, video-sharing websites and any other social media generally available to the public or consumers that does not fall within the board’s technologies network (e.g., Web 2.0 tools, MySpace, Facebook, Twitter, LinkedIn, Flickr, YouTube).

A. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS

Employees are to maintain professional relationships with students at all times in accordance with policies 4040/7310, Staff-Student Relations, and 7300, Staff Responsibilities. All electronic communications with students who are currently enrolled in the school system must be school-related and within the scope of the employees’ professional responsibilities, unless otherwise authorized by this policy. School personnel may use only school-controlled technological resources and social media tools to communicate directly with students or to comment on student matters through use of the Internet. An employee seeking to establish a social networking website for school-related purposes must have prior written approval from the superintendent or designee and principal and meet the requirements of policies 3227/7322, Web Page Development, and 3225/4312/7320, Technology Acceptable Use.

The use of electronic media for communicating with students and parents is an extension of the employee’s workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications.

Employees are prohibited from communicating with current students through a personal social network page. An internet posting on a personal social media website intended for

a particular student will be considered a form of direct communication with that student in violation of this policy. However, an employee may communicate with a student using personal social media networks to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, sport or religious organization.

B. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The board respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's friends or members of the public who can access the employee's site, and for Web links on the employee's site. Employees shall take reasonable precautions, such as using available security settings, to restrict students from viewing their personal information on social media websites and to prevent students from accessing materials that are not appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time or with school system technological resources.

C. POSTING TO SOCIAL MEDIA SITES

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents and community members. Employees shall observe the following principles when communicating through social networking sites:

1. Employees shall not post confidential information about students, employees or school system business.
2. Employees shall not list current students as "friends" on social networking sites.

3. Employees shall not allow students access to their personal social networking sites that discuss or portray sex, nudity, alcohol or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.
4. Employees may not knowingly grant students access to any portions of their personal social networking sites that are not accessible to the general public.
5. Employees shall be professional in all internet postings related to or referencing the school system, students and other employees.
6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar or sexually offensive language, pictures or graphics or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.
7. Employees shall not use the school system's logo or other copyrighted material of the system without express, written consent from the board.
8. Employees shall not post identifiable images of a student or student's family without permission from the student and the student's parent or legal guardian.
9. Employees shall not use internet postings to libel or defame the board, individual board members, students or other school employees.
10. Employees shall not use internet postings to harass, bully or intimidate other employees or students in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, or state and federal laws.
11. Employees shall not post inappropriate content that negatively impacts their ability to perform their jobs.
12. Employees shall not use internet postings to engage in any other conduct that violates board policy and administrative procedures or state and federal laws.

D. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or designee may periodically conduct public internet searches to determine if an employee has engaged in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

The superintendent shall establish and communicate to employees guidelines that are consistent with this policy.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e); 16 N.C.A.C. 6C .0601, .0602; State Board of Education Policy TCP-C-014

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Technology in the Educational Program (policy 3220), Technology Acceptable Use (policy 3225/4312/7320), Web Page Development (policy 3227/7322), Copyright Compliance (policy 3230/7330), Staff-Student Relations (policy 4040/7310), Staff Responsibilities (policy 7300)

Adopted: 12 March 2012

The board believes that the appearance and the conduct of its faculty and staff are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly and appropriately attired for the work to be done. This policy applies to student teachers, substitutes and temporary employees. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards. The superintendent shall develop and communicate to employees guidelines for appropriate dress and appearance. The overriding principle is that all employees, while on duty, are representatives of Whiteville City Schools.

A. DETERMINATION OF APPROPRIATE DRESS

Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. An employee's supervisor will make an initial determination of whether an employee's dress or appearance is inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;
2. whether the dress is consistent with a professional environment;
3. health and safety factors;
4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;
5. the employee's interaction with students;
6. the prevailing practices of other workers in similar jobs; and
7. any properly established guidelines for dress or appearance.

B. GUIDELINES FOR APPROPRIATE DRESS

In addition, the board establishes the following guidelines for appropriate dress:

1. Supervisory Personnel, both District and school-based should set the climate and standard of professionalism for the Whiteville City Schools. Their dress and appearance should be business-like in style.
2. Instructional Personnel are considered professional employees and should dress in a neat and professional manner appropriate to the standards of their profession and school. Men should wear appropriate pants with shirts and ties, shirts with

collars, and/or sweaters. Women should wear dresses or appropriate tops with skirts or slacks.

3. The dress and appearance of clerical personnel, especially those who hold positions which involve contact with the public, should emphasize neatness and professionalism appropriate to the office environment.
4. Support Personnel in Plant Operations and Custodial Services shall wear uniforms provided. Other support personnel such as child nutritionists and bus drivers should dress appropriate to their specific duties and consistent with the next paragraph, item 5 below.
5. An employee's dress or appearance may not be so unusual, inappropriate or lacking in neatness and cleanliness that it clearly disrupts class or learning activities. The following attire is considered inappropriate for school employees:
 - a. Jewelry affixed to an employee's nose, tongue, cheek, lip, or eyebrow;
 - b. Clothing which is disruptive, provocative, revealing, indecent, vulgar, or obscene to which the following guidelines apply:
 1. Skirts or dresses may be no higher than three (3) inches above the top of the knee
 2. Low necklines, bare midriffs, spaghetti straps, camisole tops, and overly tight clothing are not appropriate dress for school employees;
 - c. Clothing which promotes alcoholic beverages, tobacco, or the use of controlled substances by words or symbols, or is of a disruptive nature;
 - d. Clothing or body art that contains profanity, nudity, depicts violence or is sexual in nature by words or symbols;
 - e. Rubber flip flops;
 - f. Undergarments worn as an outer garment or any see-through clothing;
 - g. Hats, sweatbands bandannas, or sunglasses inside school buildings; and
 - h. Sweat suits unless in a physical education or coaching position.

If the supervisor determines that the employee's dress or appearance violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees or students, the supervisor shall counsel the employee regarding attire that is consistent with this policy and shall determine whether the employee is allowed to

remain at work or must leave work to change his or her dress. Any failure to follow the supervisor's directive and/or blatant or repeated violations of this policy will subject the employee to disciplinary action up to, and including, dismissal.

C. REASONABLE ACCOMMODATIONS

Reasonable accommodations shall be made by the supervisor for those employees who, because of a sincerely-held religious belief, cultural heritage, or medical reason, request a waiver of a particular part of this policy for dress or appearance.

Reasonable modifications to this policy may be made by the appropriate supervisor or principal to accommodate staff members who are engaged in specialized duties such as physical education, vocational education, field trips, or workdays that require a relaxed mode of dress or on "special occasion days" such as spirit days.

Though jeans, recreational shorts, and wind suits are not the standard of acceptable dress, they may be worn when deemed appropriate by the immediate supervisor or principal when staff members are engaged in specialized duties such as set forth in the preceding paragraph.

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

Cross References:

Adopted: 14 April 2011

Job descriptions must be developed for all positions. All positions in the Whiteville City Schools will be established by the board in compliance with any applicable laws or policies of the State Board of Education. The superintendent shall develop job descriptions for all positions established by the board. A job description must identify the essential functions of the position and should stress expected working relationships with other employees and whatever duties are directly or indirectly related to student performance

Job descriptions will be used as a criterion in screening applicants and evaluating employees. Job descriptions also will be used in organizational planning, budgeting and personnel administration.

Job descriptions will be on file and available to employees and applicants in the personnel office.

Legal References: G.S. 115C-47(18), -307

Cross References:

Adopted: 14 April 2011

The board acknowledges that instructing students is the primary mission of the school system. Generally, in order to carry out the responsibilities of the school system, teachers and other employees may also be required to perform certain non-instructional and extracurricular duties. Assigned additional duties are considered part of all employees' responsibilities. However, assignment of additional duties to teachers should be minimized to allow time for teachers to plan, collaborate with colleagues, conduct conferences with parents, tutor students, and perform any other activities that have a direct impact on student achievement. Beginning teachers also need adequate opportunities to develop their professional skills and need access to experienced teachers who will provide mentoring to them. In light of these goals, the principal of each school has the authority to assign extracurricular and non-instructional duties as necessary to conduct the business of the school, within the following guidelines.

A. EXTRACURRICULAR DUTIES

Initially licensed teachers and teachers with 27 or more years' experience (exempt teachers) may not be assigned extracurricular duties unless they request the assignments in writing.

1. Extracurricular Duties Defined

Extracurricular duties include those duties performed by a teacher outside the regular school day that involve students and are not directly related to the instructional program. Examples of extracurricular activities for which consent is required include such things as coaching duties, taking tickets at sporting events, and acting as a faculty sponsor for a student club. Extracurricular duties do not include such things as time spent in parent-teacher conferences or activities related to courses taught by the teacher, such as band concerts that are performed as a part of band class.

2. Exceptions Permitted for Compelling Reasons

In cases of compelling need, exempt teachers may be required to perform extracurricular duties if the procedures set forth in this paragraph are followed.

a. Compelling Need Defined

A compelling need arises when the principal of a school is not reasonably able to provide adequate supervision by qualified personnel at extracurricular activities without using exempt teachers and no exempt teachers have volunteered in writing to perform these activities. In determining whether a compelling need exists, it will be assumed that teaching assistants and other non-licensed employees may not be assigned

to extracurricular duties unless the assignment is approved in advance by the superintendent or designee. Examples of compelling need include circumstances when:

- 1) an employee who is scheduled to perform an extracurricular duty is unexpectedly unavailable and the position must be filled quickly;
- 2) the school principal cannot adequately fill extracurricular duty positions without additional reliance on exempt teachers; or
- 3) an extracurricular duty must be supervised by individuals with certain experience, skills, or qualifications and exempt teachers are the only qualified staff members who possess the required experience, skills, or qualifications.

b. Process for Granting a Compelling Need Waiver

1) Board Waiver

In cases in which the need for a waiver is reasonably foreseeable and there is an opportunity to bring the matter before the board of education for approval prior to the extra duty, the superintendent shall bring the matter to the board for a decision on the waiver request. The recommendation for a waiver must be in writing and set forth the circumstances requiring the waiver. The board minutes or other documentation will reflect the reasons for granting the waiver.

2) Superintendent Waiver

If there is not a scheduled board meeting prior to the need to provide adequate supervision at the extracurricular activity, the superintendent may waive the requirement upon a finding of compelling need. The superintendent shall make a written record of all such waivers and the circumstances for requesting each waiver. At the next regular board meeting, the superintendent shall report to the board any past waivers made and the reasons therefore. If the waiver is for an ongoing activity, the superintendent must seek and obtain board approval to continue the exempt teacher in the extracurricular activity in accordance with the procedure in paragraph (1) above.

3) Principal Waiver

If there is an exigent need to waive the policy, such as the unexpected illness or absence of an employee, then the school

principal is authorized to waive the policy temporarily for up to five days. However, the principal must report the waiver to the superintendent in writing, setting forth the circumstances requiring the waiver. The superintendent must approve all waivers over five days, as provided in paragraph (2) above. The board must approve all continuing waivers at its next regular meeting, as provided in paragraph (1) above.

4) Teacher Access to Records

The teacher may request and is entitled to receive any documentation regarding waivers requested or granted under this policy.

B. NON-INSTRUCTIONAL DUTIES

Principals shall minimize the assignment of non-instructional duties to all teachers, including initially licensed teachers and teachers with 27 or more years of experience. Specifically, teachers should not be required to use their daily planning periods on an ongoing and regular basis to supervise students. Planning periods generally should be reserved for course planning and meetings with other professional staff regarding the instructional program.

1. Non-Instructional Duties Defined

Non-instructional duties refer to those duties that are not directly involved with the instructional program or the implementation of the current statewide instructional standards, but that all teachers are expected to do. These duties include such things as bus duty, carpool duty, and regular and ongoing use of planning periods to monitor hallways and cafeterias. Nothing in this policy should be construed to relieve teachers of the responsibility to provide for the safety and supervision of students during regular school hours, as necessary to maintain order and discipline in the school.

2. Distribution of Non-Instructional Duties

Non-instructional duties should be distributed equitably among employees to the extent that it is reasonably possible to do so. In assigning non-instructional duties, consideration should be given to the need for initially licensed teachers to have adequate professional development, planning time, and access to experienced teachers. Teachers with more than 27 years of experience are expected to be available to devote some time each week to sharing their experience and expertise with less experienced teachers. Principals are responsible for structuring these opportunities in a way that will be beneficial to the students and employees at their schools.

C. EVALUATION

The failure of an exempt teacher to volunteer to perform extracurricular duties is not appropriate grounds to lower the teacher's evaluation or just cause for a less than proficient evaluation rating of an exempt teacher, provided that the teacher has conducted himself or herself in a professional manner when declining to accept extracurricular duties. However, a teacher's failure to perform an assigned non-instructional or extracurricular duty in a competent and professional manner may be considered as a part of the teacher's evaluation.

Legal References: G.S. 115C-47(18a), -301.1; State Board of Education Policy TCP-A-004

Cross References:

Adopted: February 9, 2015

The board recognizes that an effective staff is critical to the smooth operations of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers and other licensed professionals, excel in their performance.

A. STANDARD FOR CAREER STATUS

Career status with this system should be reserved for individuals of proven ability who strive for excellence as accomplished and distinguished teachers. It is the intent of the board to grant career status only to those teachers who, based upon the superintendent's recommendation, exhibit a pattern of teaching behavior that exemplifies above-average performance at the end of the probationary period. This must be evidenced in evaluations that document professional proficiency, accomplished and distinguished practices. The superintendent must be able to substantiate any recommendation for career status with evaluation data, as described in policy 7810, Evaluation of Licensed Employees. Career status will not be granted unless the board is satisfied that the probationary employee has met the standards established by the board. Career status may be denied on any legally permissible basis following statutorily prescribed procedures.

An employee who has obtained career status with the school system is expected to continue to strive for excellence as accomplished and distinguished teachers, meet all performance standards established by the board and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any employee who is unable or unwilling to meet these reasonable and appropriate standards of the board may be subject to demotion or dismissal as provided in policy 7930, Professional Employees: Demotion and Dismissal.

B. ELECTION OF A TEACHER TO CAREER STATUS

When a teacher has been employed as a probationary teacher in the school system for four consecutive years of service, the board, near the end of the fourth year, will vote on whether to grant the teacher career status. "Consecutive years of service" shall be determined in compliance with G.S. 115C-325(c)(5). When a teacher has already obtained career status in any North Carolina public school system and either changes school systems or returns to teaching after leaving the profession, the board will either grant career status immediately upon employing the teacher or vote on whether to grant career status after the teacher's first year of employment. The board will vote on whether to grant career status and will give the teacher written notice of the decision by June 15 or such later date as provided in G.S. 115C-325(m)(7). For all proceedings initiated after August 31, 2010, all teachers eligible for career status have the right to a hearing before the board if the superintendent recommends that the board not grant the teacher career status for any reason other than a reduction in force. By no later than May 15, the

superintendent shall provide written notice to the teacher of the superintendent's intent to recommend not granting career status and of the teacher's right, within 10 days of receipt of the superintendent's recommendation, (1) to request and receive written notice of the reasons for the superintendent's recommendation and the information that the superintendent may share with the board to support the recommendation; and (2) to request a hearing if the superintendent recommends that the board not grant career status for any reason other than a reduction in force. The failure to file a timely request within 10 days shall result in a waiver of the right to this information and any right to a hearing. If the teacher files a timely request for information, the superintendent shall provide the requested information within three calendar days and shall arrange for a hearing if one has been timely requested. The teacher shall be permitted to submit supplemental information to the board up to five calendar days before the hearing, or if the teacher has not requested a hearing, up to five calendar days before the board's decision on the superintendent's recommendation for nonrenewal.

The superintendent shall establish any procedures necessary to implement this policy.

Legal References: G.S. 115C-47(18), -325

Cross References: Professional and Staff Development (policy 1610/7800), Evaluation of Licensed Employees (policy 7810), Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930), Probationary Teachers: Nonrenewal (policy 7950)

Adopted: 14 April 2011

SUPERINTENDENT RECRUITMENT AND CONTRACT

Policy Code:

7420

A. RECRUITMENT AND APPOINTMENT

The recruitment and appointment of a superintendent is a function of the board. When there is a vacancy in the position, the board will post the vacancy and conduct an active search both within and outside the school system to find the person it believes can most effectively translate into action the policies of the board and aspirations of the community. The superintendent will be expected to serve as the chief administrative officer of the Whiteville City Schools. Candidates will be expected to possess the qualifications and be able to perform the duties set forth in policy and law. The board shall establish a procedure for screening applications and conducting interviews. This procedure may include seeking the advice and counsel of individuals, an advisory committee or a consultant employed by the board. However, the final selection of a superintendent will rest with the board. A majority vote of the board members at a meeting for which due notice of the intended action has been given will be required for the appointment of the superintendent.

B. CONTRACT

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 board will elect a superintendent of schools under a written contract of employment for a term of no more than four years ending on June 30 of the final twelve months of the contract. At any time after the first 12 months of the contract, the board may, with written consent of the current superintendent, extend or renew the term of the superintendent's contract for a term of no more than four years from the date of the extension. If new board members have been elected or appointed and are to be sworn in, the board may not act to extend or renew the current superintendent's contract until after the new members have been sworn in.

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 board will review the superintendent's compensation and benefits each year as part of the superintendent's annual evaluation. The salary of the superintendent shall be in accordance with a State standard salary schedule, fixed and determined by the State Board of Education as provided by law.

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

school system. The board may remove the superintendent at any time during the term of the contract for reasons specified by law or according to the terms of the contract. If the superintendent elects to terminate the contract prior to the date specified in the contract, a resignation must be submitted to the board chair a minimum of thirty calendar days prior to the last day on which the superintendent expects to be employed by the board. Nothing set forth in this policy is intended to require the board to accept the resignation.

Legal References: G.S. 115C-47(13), -47(15), and -47(16), -271 to -275

Cross References:

Adopted: 14 April 2011

The board recognizes that an effective staff is critical to the smooth operations of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers and other licensed professionals, excel in their performance. For the purposes of this policy, the term “school administrator” is defined as a principal, assistant principal, supervisor or director whose major function includes the supervision of teaching or any other part of the instructional program.

School administrator contracts will be granted, extended or renewed only for individuals of proven ability who strive for excellence. School administrators should be able to facilitate student learning and effectively carry out the responsibilities of providing for school safety and enforcing student discipline. The superintendent is expected to be able to substantiate any recommendation for granting a new contract, extending a current contract or renewing a contract with evaluation data, as described in policy 7810, Evaluation of Licensed Employees, or with regard to applicants, with data from the selection process as provided in policy 7100, Recruitment and Selection of Personnel. If the board is not satisfied that an applicant or employee has met the standards established by the board, employment will be denied, following statutorily prescribed procedures.

Initial contracts between a school administrator and the board will be for a term of two to four years. Four-year initial contracts will be granted only to exemplary school administrators. Absent unusual circumstances, two-year initial contracts will be granted for individuals who do not have experience as school administrators. In addition, one-year contracts may be granted to individuals who hold a provisional assistant principal’s license. Subsequent contracts between a principal or assistant principal and the board will be granted for a term of four years.

An employee who has a school administrator contract with the school system is expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any employee who is unable or unwilling to meet reasonable standards of the board may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, and in accordance with statutorily prescribed procedures.

If the superintendent decides not to recommend that the board offer a school administrator a new, renewed or extended contract, the employee has all procedural rights accorded by G.S. 115C-287.1.

Legal References: G.S. 115C-36, -47(18), -284(c), -287.1, -289, -325

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: 12 February 2013

A. GENERAL EMPLOYMENT OF SUBSTITUTES

The school system will employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. The board recognizes the importance of employing licensed teachers as substitutes and will give first priority to substitutes who hold or have held any teaching license and second priority to those who have completed Effective Teacher Training or comparable professional development courses. Teaching experience also will be considered.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

B. TEACHER ASSISTANTS AS SUBSTITUTES

A teacher assistant may serve as a substitute teacher in the classroom(s) in which the assistant is regularly assigned and will be paid additional compensation according to state policies.

C. PARENTAL NOTIFICATION

In accordance with policy 1310/4002, Parental Involvement, school principals shall notify the parent of any child who receives instruction in a core academic subject for four or more consecutive weeks from a substitute teacher who does not meet the definition of “highly qualified” under the No Child Left Behind Act.

Legal References: No Child Left Behind Act, 20 U.S.C 6311(h)(6)(B)(ii); G.S. 115C-12, -36, -47, -332; 16 N.C.A.C. 6C .0313, 16 N.C.A.C. 6C .0403; State Board of Education Policy TCP-A-001, TCP-D-005

Cross References: Parental Involvement (policy 1310/4002), Recruitment and Selection of Personnel (policy 7100)

Adopted: 14 April 2011

All assignments and transfers of employees to schools are the responsibility of the superintendent. In-school transfers are the responsibility of the principal. The board must be promptly notified of all employee transfers authorized by the superintendent.

The superintendent may assign school employees in any manner that he or she deems appropriate, consistent with legal requirements. In assigning professional employees to an alternative school, the superintendent shall consider the experience and evaluation ratings of the professional employees, as provided in policy 3470/4305, Alternative Learning Programs/Schools.

Voluntary and involuntary transfers of employees will be made in accordance with course requirements, fluctuating enrollments, allotment, efforts to improve student performance, and the general welfare of the school system. The interests and aspirations of employees will be considered in making assignments and transfer decisions; however, such interests must be weighed against what is in the best interest of the students, school or school system. Employees will be informed of transfer decisions as soon as is reasonably feasible.

The superintendent shall establish any necessary procedures for employee-initiated transfer requests.

An employee may appeal a transfer decision to the board. The board generally will uphold transfer decisions made in accordance with this policy that are not arbitrary, capricious, political or discriminatory.

Legal References: G.S. 115C-47, -276, -301

Cross References: Alternative Learning Programs/Schools (policy 3470/4305)

Adopted: 14 April 2011

A. WORK SCHEDULES

The length of the school day for licensed and professional staff will be a minimum of seven hours and thirty minutes and will continue until professional responsibilities to the student and school are completed. Administrative meetings, curriculum development, pupil supervision, assigned duties, parent conferences, group or individual planning, and extracurricular activities may require hours beyond the stated minimum. Work schedules for other employees will be defined by the superintendent or designee, consistent with the Fair Labor Standards Act and the provisions of this policy.

B. WORKWEEK DEFINED

Working hours for all employees not exempted under the Fair Labor Standards Act (FLSA), including secretarial, cafeteria, janitorial and maintenance personnel, will conform to federal and state regulations. The superintendent shall ensure that job positions are classified as exempt or non-exempt and that employees are made aware of such classifications. Supervisors shall make every effort to avoid circumstances that require non-exempt employees to work more than 40 hours each week. For purposes of FLSA Compliance, the workweek for school system employees will be 12:00 a.m. Saturday until 11:59 p.m. Friday. A copy of the FLSA and any administrative procedures established by the superintendent will be available to employees in the human resources office.

C. OVERTIME AND COMPENSATORY TIME

The board of education discourages overtime work by non-exempt employees. A non-exempt employee may not work overtime without the express approval of his or her supervisor. All overtime work must be approved by the superintendent or designee. All supervisory personnel shall monitor overtime use on a weekly basis and report such use to the superintendent or designee. Principals and supervisors shall monitor employees' work, shall ensure that overtime provisions of this policy and the FLSA are followed, and shall ensure that all employees are compensated for any overtime worked. Principals or supervisors may need to adjust daily schedules to prevent non-exempt employees from working more than 40 hours in a workweek. Accurate and complete timesheets of actual hours worked during the workweek must be signed by each employee and submitted to the finance officer. The finance officer shall review work records of employees on a regular basis to make an assessment of overtime use.

In lieu of overtime compensation, non-exempt employees may receive compensatory time off at a rate of not less than one and one-half hours for each one hour of overtime worked, if such compensatory time (1) is agreed to by the employee before the overtime work is performed and (2) is authorized by the immediate supervisor. Employees must be allowed to use compensatory time within a reasonable period after requesting such use (see policy 7510, Leave). Employees may accrue a maximum of 240 compensatory time hours before they

must be provided overtime pay at the appropriate rate. In addition, upon leaving the school system, an employee must be paid for any unused compensatory time at the rate of not less than the higher of (1) the average regular rate received by the employee during his or her last three years of employment or (2) the final regular rate received by the employee.

Non-exempt employees whose workweek is less than 40 hours will be paid at the regular rate of pay for time worked up to 40 hours. Such employees will be provided overtime pay or compensatory time as provided above for working more than 40 hours in a workweek.

Employees will be provided a copy of this policy and will be required to sign this policy to acknowledge their understanding of overtime and compensatory time provisions. Such signed policy will constitute the written agreement required in this section.

D. ATTENDANCE EXPECTATIONS

All employees are expected to be present during all working hours. Absence without prior approval, chronic absences, habitual tardiness or abuses of designated working hours are all considered neglect of duty and will result in disciplinary action up to and including dismissal.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201, *et seq.*; G.S. 115C-47(18), -288, -307; *North Carolina Public School Personnel Employee Salary and Benefits Manual* (most current version), North Carolina Department of Public Instruction, Division of School Business

Cross References: Leave (policy 7510)

Adopted: 12 February 2013

AGREEMENT TO RECEIVE COMPENSATORY TIME OFF

Pursuant to the Fair Labor Standards Act (FLSA), the Whiteville City Board of Education has a policy of granting compensatory time off to non-exempt employees in lieu of overtime pay for time worked in excess of 40 hours in any workweek. A copy of the policy dated _____ has been provided to me.

I understand that I must obtain my supervisor’s express written authorization to work overtime prior to working in excess of 40 hours in any workweek. I understand that I will earn compensatory time at a rate of not less than one and one-half (1.5) hours for each one hour of overtime worked. I further understand that I will be allowed to use compensatory time within a reasonable period after requesting such use. However, I also understand that pursuant to the board policy and applicable FLSA regulations, the board may require me to use the compensatory time within a certain time period, may prohibit the use of compensatory time on certain days, may require that compensatory time be cashed out after a particular time period or may otherwise limit the use of compensatory time.

I hereby knowingly agree and consent to the use of compensatory time in lieu of overtime pay for time worked in excess of 40 hours in any workweek, and I accept this as a condition of my employment with the Whiteville City Board of Education.

Employee Signature

Date

Supervisor Signature (or designee)

Date

COMPLIANCE WITH STATE BOARD OF EDUCATION EMPLOYMENT POLICIES

Policy Code:

7505

It is the policy of the board to comply with the benefits and employment policies promulgated by the State Board of Education or the Department of Public Instruction in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, as supplemented by any applicable local board policy.

In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its benefits and employment policies be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policies are made.

Legal References:

Cross References: Specific Employment Relationships Policies (all policies in the 7400 series), Workday and Absences Policies (all policies in the 7500 series)

Adopted: 14 April 2011

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

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

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

A. MINIMUM LEAVE TIME

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

B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS

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

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness. Employees who anticipate using sick leave for more than a single day must inform the principal or immediate supervisor in advance so that arrangements may be made to reassign the employee's duties during the period of absence.

D. PERSONAL LEAVE

Teachers earn personal leave at a rate of .20 days for each full month of employment, not to exceed two days per year. Unused personal leave may be carried forward from one year to another and may be accumulated without limitation until June 30 of each year.

On June 30, personal leave in excess of five days shall be converted to sick leave so that a maximum of five days of personal leave is carried forward to July 1. At the time of his or her retirement, a teacher may also convert accumulated personal leave to sick leave for creditable service towards retirement.

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

E. VACATION LEAVE

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

Annual vacation leave may be accumulated without any applicable maximum until June 30 of each calendar year. On June 30, accumulated annual vacation leave in excess of 30 days will be converted to sick leave so that only 30 workdays of annual vacation leave are carried forward.

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

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

Within any given year, instructional personnel who do not require a substitute may be granted a maximum of five vacation days when students are in attendance. Such days

may not be consecutive. Leave will not be granted for days immediately before or immediately following days when students are out of school. Leave will not be granted on mandatory staff development days. An exception to these restrictions may be made when an employee is absent due to a catastrophic illness and the employee has exhausted all of his or her sick leave.

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

F. CHILD-SCHOOL INVOLVEMENT LEAVE

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

G. COMPENSATORY LEAVE

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

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

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

H. MILITARY LEAVE

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

I. LEAVE OF ABSENCE WITHOUT PAY

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

1. military leave (see also policies 7520, Family and Medical Leave, and 7530, Military Leave);
2. personal illness in excess of sick leave;
3. family leave (see also policy 7520);
4. professional leave; and
5. other reasons at the discretion of the superintendent with the approval of the board.

An employee seeking leave is responsible for making necessary arrangements as provided in the administrative procedures. Except in the case of an emergency, an employee who desires a leave of absence without pay shall provide at least 60 days' notice and shall submit a request in writing to the board stating the beginning and ending dates of the desired leave of absence. The employee is expected to consult with the principal or his or her immediate supervisor. The superintendent may request documentation from the employee in support of his or her request. In determining the length of absence without pay that will be approved, with the exception of military and family leave, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.

Once a leave of absence without pay has been requested by an employee and approved by the board, the dates are binding unless both parties agree to a change.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -285, -302.1, -316, -336, -336.1; 16 N.C.A.C. 6C .0405; State Board of Education Policy TCP-D-003, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <http://www.ncpublicschools.org/district-humanresources/key-information>

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

Adopted: February 9, 2015

All eligible employees will be provided leave as required by the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks (or 26 workweeks in certain cases) in any 12-month period for certain qualifying conditions or events. The employee may continue to participate in the school system's group insurance plan while on FMLA leave.

This policy is intended for guidance only and is not intended to alter or expand the school system's responsibilities beyond the requirements of law. If any provision of this policy is inconsistent with federal law or regulation, the federal rule must take precedence. The superintendent is authorized to develop additional regulations for FMLA leave consistent with the requirements of the law and this policy.

The board strictly prohibits interfering with, restraining or denying the ability of any employee to exercise any right provided by the FMLA. The board also strictly prohibits any type of discrimination against or discharge of an employee who has filed a complaint in regard to the FMLA. A copy of this policy will be provided to each employee upon hiring.

A. DEFINITIONS**1. Serious Health Condition**

A serious health condition is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

2. Continuing Treatment

Subject to certain conditions, the continuing treatment requirement in the above definition of "serious health condition" may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

3. Other Terms

Unless otherwise noted, all terms in this policy must be defined in accordance with 29 C.F.R. pt. 825.

B. ELIGIBILITY

Employees are eligible for unpaid FMLA leave if they have:

1. been employed by the school system for at least 12 months (not necessarily consecutively); and
2. worked at least 1,250 hours during the previous 12 months.

C. QUALIFYING CONDITIONS

Except in cases of leave to care for a covered servicemember with a serious illness or injury, an eligible employee is entitled to a total of 12 workweeks of FMLA leave during any 12-month period for any one or more of the following reasons:

1. the birth and first-year care of the employee's child;
2. adoption or foster placement of a child with the employee;
3. a serious health condition of the employee or the employee's spouse, child or parent;
4. a qualifying exigency (see Section F) arising out of the fact that the spouse or a son, daughter or parent of the employee has been deployed, or is on notice of an impending deployment to a foreign country as a member of the regular Armed Forces on active duty or as a member of the National Guard or Reserves under a federal call or order to active duty; or
5. to care for a covered servicemember (as defined by federal law and/or regulation) who has incurred a serious injury or illness, or aggravated an existing illness or injury, in the line of duty while on active duty in the Armed Forces, which may render the family member medically unfit to perform his or her office, grade, rank or rating. An employee who is a spouse, son, daughter, parent or next of kin of the servicemember may take leave for a period of up to 26 workweeks under this provision.

D. DETERMINING THE 12-MONTH LEAVE PERIOD

The 12-month period during which an employee is eligible for FMLA leave will be from July 1 to June 30. Exception: The period for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.

E. ENTITLEMENT TO LEAVE

Eligible employees may take leave as follows:

1. **Medical leave for serious health conditions:** A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule as is medically necessary.
2. **Family leave for pregnancy, birth of a child or placement of a child for foster care or adoption:** A combined total of 12 consecutive workweeks during a 12-month period. Eligibility for FMLA leave expires 12 months from the birth, foster care placement or adoption of the child. Leave must be used in a single block of time unless the board agrees to another arrangement.
3. **Military service exigency:** A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule.
4. **Leave to care for injured servicemember:** A combined total of no more than 26 workweeks during a single 12-month period. The leave may be taken intermittently or on a reduced leave schedule. If combined with other types of FMLA leave, the total leave taken in a single 12-month period still may not exceed 26 weeks.
5. **Spouses employed by the school system:** Spouses who are both employed by the school system and eligible for FMLA leave are limited in the amount of family leave they may take for the birth and care of a newborn child, for the placement of a child for adoption or foster care or to care for a parent who has a serious health condition to a combined total of 12 workweeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used).

F. QUALIFIED MILITARY SERVICE EXIGENCIES

A military service exigency that qualifies for FMLA leave must be defined in accordance with federal regulations. Qualified exigencies may include:

1. short-notice deployment;
2. military events and related activities;
3. school and childcare activities;
4. financial and legal arrangements;
5. counseling;
6. rest and recuperation leave;

7. post-deployment activities; and
8. additional activities agreed upon by the board and employee.

G. INTERMITTENT OR REDUCED WORK SCHEDULE

1. An employee may take FMLA leave on an intermittent or reduced leave schedule as required for the health of the employee or family member, due to a qualifying exigency, or as otherwise approved by the superintendent. The employee must make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the school. Whenever possible, the employee should discuss scheduling with his or her immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.
2. An employee who requests intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment.
3. To better accommodate an employee's need for intermittent or reduced leave for a serious health condition, the school system may require an employee to take an alternative position during the period of leave. The alternative position must have equal pay and benefits, but it does not have to have equivalent duties.
4. Employees may take intermittent leave in increments of one hour.
5. Instructional personnel are subject to special rules for taking intermittent or reduced leave. (See Section H.)

H. INSTRUCTIONAL PERSONNEL

The following special rules apply to instructional personnel only. For the purposes of this policy, instructional personnel are teachers, athletic coaches, driving instructors, special education assistants and any other employees whose principal function is to teach and instruct students.

1. Use of Intermittent or Reduced Schedule Leave
 - a. Instructional employees may use intermittent or reduced schedule leave only when the employee and the school system have reached an agreement on how the leave will be used.
 - b. If an instructional employee requests intermittent or reduced schedule leave for more than 20 percent of the workdays of the duration of a leave due to medical treatment, the school system may require the employee to take continuous leave for up to the entire duration of the scheduled leave or to transfer to an alternative position with equivalent pay and benefits for

the period of leave.

- c. Instructional employees who take intermittent or reduced schedule leave that constitutes 20 percent or less of the workdays during the leave period are not subject to transfer to an alternative position.

2. Extension of FMLA Leave at School System Discretion

The school system may require instructional personnel to continue leave through the end of the school semester if any of the following conditions exist:

- a. the leave will begin more than five weeks before the end of the term; the leave will last at least three weeks; and the employee would return to work in the last three weeks of the academic term;
- b. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last five weeks of the term; the leave will last more than two weeks; and the employee would return to work during the last two weeks of the academic term; or
- c. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last three weeks of the term; and the leave will last at least five days.

If the school system requires an instructional employee to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work will be charged against the employee's FMLA entitlement.

I. EMPLOYEE'S RESPONSIBILITY WHEN REQUESTING LEAVE

To ensure that employees receive proper notification of their rights and responsibilities and that leave is properly designated, all employees requesting any type of leave must make the request to the director of human resources or designee.

1. Employee's Responsibilities When Leave is Foreseeable

- a. The employee must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. If this amount of notice is not possible, then notice must be given as soon as practicable, taking into account all of the facts and circumstances.
- b. The employee must provide sufficient information for the school system reasonably to determine (1) whether the FMLA may apply to the leave request and (2) the anticipated timing and duration of the leave. This information would include, for example, notice that the employee is

unable to perform job functions, notice that the family member is unable to perform daily activities, notice of the need for hospitalization or continuing treatment by a health care provider or notice of circumstances supporting the need for military family leave.

- c. If the employee does not provide 30 days' notice and there is no reasonable justification for the delay, the school system may delay the FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave.
 - d. If an instructional employee fails to give the required notice of foreseeable leave for an intermittent or reduced leave schedule, the school system may require the employee to take continuous leave for the duration of his or her treatment or may temporarily transfer the employee to an alternative position for which the employee is qualified and that has the same benefits. (See Section H.)
2. Employee's Responsibilities When Leave is Not Foreseeable
- a. When leave is not foreseeable, the employee must comply with the usual school system procedures for notifying his or her supervisor of the absence and requesting leave, including any applicable requirements established by policy 7510, Leave. If the employee fails to do so, the leave may be delayed or denied.
 - b. When giving notice of an absence, the employee must inform the supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified.
 - c. The employee also must notify the director of human resources or designee of the need for FMLA leave as soon as practicable.
 - d. All employee responsibilities in the FMLA for notice, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.

J. SCHOOL SYSTEM'S DESIGNATION AND NOTICE TO EMPLOYEE

- 1. Whether or not the employee specifically requests FMLA leave, the director of human resources or designee is responsible for asking any questions of the employee necessary to make a determination of whether the leave is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The director may require the employee to provide notice of the need and the reason for leave.
- 2. The director for human resources or designee shall provide all legally-required

notices to the employee within five days of receiving this information or otherwise learning that an employee's leave may be for an FMLA-qualifying reason, unless there is a justifiable delay, such as a delay for documentation.

The required notices must indicate whether the employee is eligible under the FMLA. If the employee is eligible, the notice must specify any additional information required from the employee and must explain as well as the employee's rights and responsibilities under the FMLA. If the employee is not eligible, the notice must provide a reason for the ineligibility. The required notices also must state whether the leave will be designated as FMLA-protected and, if so, the amount of leave that will be counted against the employee's leave entitlement.

3. Leave may be designated as both FMLA-eligible and as leave under the school system's paid leave policy if paid leave has been substituted. Such leave would be counted toward the employee's 12-week FMLA entitlement. In addition, the director of human resources may designate an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualifying absence as part of the employee's total FMLA entitlement, whether or not the employee has requested FMLA leave. (See Section M.)
4. Leave that has been taken for an FMLA-qualifying reason may be retroactively designated as FMLA leave with appropriate notice to the employee, provided that such designation does not cause harm or injury to the employee.

K. CERTIFICATION

The school system reserves the right to require employees to provide certification of any FMLA-qualifying event or condition of the employee or the employee's spouse, child, parent or next of kin, including certification for military exigency leave. The school system will not request more medical certification information than that allowed by the FMLA and the Americans with Disabilities Act. The director may request a second or third verification at the school system's expense if reason to doubt the validity of a medical certification exists. The school system may require periodic recertification to support the leave, as permitted by law.

L. RETURN TO WORK

The school system may require an employee to periodically report on his or her status and intent to return to work. Any employee who is taking leave through the end of an academic semester must report on his or her intent to return to work no later than four weeks before the end of the academic semester. In addition, the school system may require the employee to report on his or her intent to return to work on a regular basis while on FMLA leave.

Before an employee returns to work from FMLA leave taken for the employee's own

serious health condition, the employee must present a “fitness-for-duty” certification that states that the employee is able to return to work. This requirement does not apply to an employee taking intermittent leave unless the employee’s condition presents a reasonable safety concern.

M. SUBSTITUTION OF PAID LEAVE

1. The school system will substitute appropriate paid leave, including sick leave, personal leave and vacation time for unpaid, FMLA leave to the extent allowed by law and policy, giving proper notice to the employee that the leave is designated as FMLA. If an employee has exhausted his or her accrued paid leave but an FMLA-qualifying reason for absence continues, the school system will designate resulting absences as protected FMLA leave until the employee has used all allowable FMLA leave. Such absences will be unpaid.
2. When an employee has an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualified absence, the school system may, with proper notice to the employee, designate the absence as part of the employee’s total annual FMLA entitlement. If the absence continues for more than 10 days, all employee responsibilities in the FMLA to provide notice for foreseeable and unforeseeable leave, medical certification, fitness for duty certification and notice of intent to return to work apply as specified in this policy and policy 7510.
3. An employee must not be permitted to exhaust paid leave before beginning FMLA leave if it has been determined that the employee’s reason for using paid leave meets the FMLA eligibility requirements.

N. RESTORATION TO EQUIVALENT POSITION

1. Generally

Employees, except “key” employees, will be restored to the same or an equivalent position upon return from FMLA leave.

The equivalent position will have virtually identical pay, benefits and working conditions, including privileges, perquisites and status, as the position the employee held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility and authority. All positions within the same job classification are considered “equivalent positions” for the purposes of this policy, so long as these conditions are met. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions, so long as these conditions are met.

2. Key Employees

Key employees do not have the right to be restored to the same or an equivalent position upon their return from FMLA leave. Key employees are salaried FMLA-eligible employees who are among the highest paid 10 percent of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then the school system has no obligation to restore the employee to the same or an equivalent position.

An employee will be informed at the time leave is taken if he or she is considered a key employee and will be informed once a determination is made that the employee will not be restored to the same or an equivalent position upon return from FMLA leave. A key employee who has been informed that he or she will not be restored still has the right to health benefits for the full period in which he or she is eligible for FMLA leave.

O. CONTINUATION OF HEALTH BENEFITS

Health care coverage and benefits will be continued for the duration of an employee's FMLA leave on the same conditions as would have been provided if the employee had continued working. Employees do not have the right to the accrual of earned benefits during FMLA leave. If an employee takes intermittent or reduced leave, he or she has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked when such a reduction is normally based upon hours worked.

The school system may recover from the employee the cost of health insurance premiums paid on behalf of the employee while the employee was on unpaid FMLA leave if the employee does not return to work after the leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond his or her control.

P. POSTING REQUIREMENT

The superintendent or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Q. RECORDKEEPING REQUIREMENT

The director shall maintain records of the following information for at least three years: basic payroll and identifying employee data, the dates (or hours) of FMLA leave taken by each employee, and premium payments of employee benefits. Medical information, such as that relating to medical certifications, also will be maintained in the personnel department in confidential medical records.

The director will maintain for at least three years copies of employee notices, including general and specific notices, any other documents describing employee benefits or policies and records of disputes between the school system and any employee regarding designation of FMLA leave.

R. ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the school system for violations of the FMLA.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

S. OUTSIDE EMPLOYMENT/FALSIFICATION OF RECORDS

The school system may deny FMLA benefits to an employee who engages in self-employment or employment for any employer while on continuous leave if the employee fraudulently obtained FMLA leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline, which may include termination from employment.

Legal References: Americans With Disabilities Act, 42 U.S.C. 12101 *et seq.*; Family and Medical Leave Act of 1993, as amended, 29 U.S.C. 2601 *et seq.*; 29 C.F.R. pt. 825; National Defense Authorization Act for 2008, Pub. L. 110-181 sec. 585; *North Carolina Public Schools Benefits and Employment Policy Manual*, N.C. Department of Public Instruction (2008-2009, revised February 2009)

Cross References: Leave (policy 7510)

Adopted: 14 April 2011

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy and the federal Uniformed Services Employment and Reemployment Rights Act (USERRA).

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment. If an employee is going to be absent due to military obligations, the employee must provide to the superintendent advance written or oral notice, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable. For leave periods exceeding 30 days, the employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

In accordance with State Board of Education policy, an employee may take up to 15 workdays of paid military leave per federal fiscal year, which runs from October 1 through September 30. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management. During these extended military leaves, which must not exceed five years plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary. Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

If the individual reapplies following separation from military duty, his or her reemployment is governed by the provisions of the USERRA. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.

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

Cross References: Leave of Absence (policy 7510)

Adopted: 14 April 2011

The purpose of voluntary shared leave is to enable employees to donate earned leave to a fellow employee who has exhausted all earned leave and continues to be absent due to serious medical conditions.

Donations made pursuant to this policy are voluntary. No employee should feel pressured or coerced to participate. The donating employee may not receive compensation in any form for the donation of leave. Any employee found guilty of giving or receiving compensation may be subject to dismissal as outlined in applicable state law.

Administrative procedures in conformance with State Board of Education policies will be developed and made available in the human resources office.

Legal References: G.S. 115C-12.2, -47, -325 (applicable to career status teachers), -325.1 *et seq.* (applicable to non-career status teachers), -336; 16 N.C.A.C. 6C .0402; *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at <http://www.ncpublicschools.org/district-humanresources/key-information>

Cross References:

Adopted: February 9, 2015

On days that schools and the district office are closed due to inclement weather conditions, all facilities will be secured and not open for use. However, the superintendent may require “essential personnel” to report to school facilities in order to maintain facility functions such as heating, air conditioning, electricity, plumbing, etc.

Under special circumstances the superintendent may allow employees to report for a workday where pupils are not required to attend school due to inclement weather. On these days employees have the following options:

1. report to work;
2. take accumulated annual (vacation) leave;
3. take accumulated personal leave, if available (teachers only);
4. take leave without pay;
5. use compensatory leave already accumulated.

When the school system is closed to staff and students due to inclement weather, the board will consider options for addressing the missed days, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

Legal References: G.S. 115C-84.2, -302.1

Cross References: Emergency Closings (policy 5050)

Adopted: 14 April 2011

PERMITTED SALARY DEDUCTIONS FOR ABSENCES AND DISCIPLINE OF EXEMPT EMPLOYEES

Policy Code:

7560

The board will comply with the salary basis requirements of the Fair Labor Standards Act (FLSA) and applicable state laws and State Board of Education policies. School employees who are classified as exempt under the FLSA must be paid on a salary basis, which means that the employee regularly receives a predetermined amount of compensation each pay period. This predetermined amount may not be reduced because of variations in the quality or quantity of the employee's work.

Subject to the exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees need not be paid for any workweek in which they perform no work.

The board prohibits making improper deductions from the salaries of exempt employees. The provisions provided in this policy do not require a deduction if an employee has applicable leave available under the school's leave policies.

A. DEDUCTIONS FROM PAY

1. Deductions from the pay of an exempt employee are permissible in the following circumstances:
 - a. for absences of one or more full day(s) for personal reasons other than sickness or disability;
 - b. for absences of one or more full day(s) due to sickness or disability if the deduction is made in accordance with the school's leave policies;
 - c. to offset amounts employees receive as jury or witness fees or for military pay; or
 - d. for unpaid disciplinary suspension of one or more full days imposed in good faith for workplace conduct rule infractions.
2. In addition, the board may make partial day or full day deductions from salary in the following circumstances:
 - a. during the initial or final week of employment;
 - b. for penalties imposed in good faith for infractions of safety rules of major significance; or
 - c. for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act.

B. REPORTING IMPROPER DEDUCTIONS

If an employee believes that an improper deduction has been made to his or her salary, the employee should report this information to his or her direct supervisor as soon as possible. Any supervisor who receives a report of an alleged improper deduction must notify the payroll department immediately.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for the improper deduction.

If the complaining employee is not satisfied with the investigation concerning improper deductions, he or she may file a grievance pursuant to policy 1750/7220, Grievance Procedure for Employees.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*

Cross References: Grievance Procedure for Employees (policy 1750/7220), Leave of Absence (policy 7510), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540)

Adopted: 14 April 2011

Full-time employees that are paid from state funds are provided coverage as specified in the North Carolina State Employee health plan. The Whiteville City Board of Education provides the same coverage for full-time employees that are paid from local funds. The same coverage shall be made available for purchase to part-time employees, with the employee paying the full cost for coverage.

Employees who are on leave should consult the personnel department to determine eligibility for continued health insurance coverage. In the event the leave does not support health insurance coverage, employees may maintain the coverage by arranging for self-pay of the entire premium through the personnel office prior to beginning the leave. The premium must be paid in negotiable funds on the date specified by the superintendent or designee to maintain the coverage.

Payroll deductions will be made for any medical or hospitalization insurance costs for family members or, when applicable, for employees.

Employees who have questions regarding health insurance are encouraged to contact the personnel department.

Legal References: G.S. 115C-36, -340

Cross References:

Adopted: 14 April 2011

All school system personnel who have met the legal requirements for their employment and service will be paid promptly when their salaries are due, as provided by law. Each principal will sign and submit to the superintendent monthly payrolls prepared on forms furnished for this purpose. The superintendent or designee will issue vouchers for the salary of all school employees, whether paid from state or local funds, based upon the payrolls submitted. If any voucher is chargeable against school system funds, the superintendent or designee shall verify the amount and shall specify the school system name on the voucher.

The superintendent will not approve the vouchers or the pay of a principal or teacher until the principal or teacher completes and submits any monthly and annual reports required by the board.

Paychecks will be delivered to the employee's worksite on the last workday of the month unless the superintendent determines that the school calendar creates an unnecessary hardship and designates an alternate payday. Employees who have their checks deposited directly with a bank will receive an earnings and leave statement on payday.

Legal References: G.S. 115C-276(n), -316

Cross References: Payroll Deductions (policy 7620)

Adopted: 14 April 2011

The board will provide for the defense of any civil or criminal action or proceeding brought against an employee in his or her official or individual capacity, or both, on account of an act done or an omission so long as all of the following conditions are met.

1. The act or omission occurred in the scope and course of employment.
2. Defense of the action would not create a conflict of interest between the board and the employee.
3. The employee did not act or fail to act because of fraud, corruption or malice on his or her part.

In order for the board to provide for the defense pursuant to this policy, the employee must provide a written request to the superintendent as soon as possible upon learning of the claim or action.

The superintendent, with advice from the board attorney, shall make a recommendation to the board as to whether the board will provide legal representation for the employee. Board approval of an employee's request to provide legal representation will only relate to the initial trial or proceeding. The employee must make an additional request in writing to the board for legal representation at each subsequent stage of the appeal of the action or proceeding.

If an employee's request for legal representation in any civil or criminal action or proceeding is denied and subsequently the employee is found not to be liable or guilty, the board may reimburse the employee a reasonable attorney's fee upon written request of the employee.

To protect its own financial resources, the board will provide for sufficient liability coverage for personnel, workers' compensation coverage and unemployment compensation insurance. Such coverage may provide for the payment of any claim or civil judgment entered against an employee when such claim is made or such judgment is rendered as damages on account of an act done or omission made or any act allegedly done or omission allegedly made, in the scope and course of his/her duty as an employee of the board. The limits of the board's payment for any such claim or court judgment shall be governed by the terms of the liability coverage purchased by the board for such purposes. In all cases in which an employee requests that the board pay a part or all of a claim or civil judgment against him or her, the employee must give the board written notice of the claim or litigation as soon as possible and in all cases prior to the time that the claim is settled or civil judgment is entered.

Legal References: G.S. 115C-43

Cross References:

Adopted: 14 April 2011

To assist employees in managing their financial affairs and meet state and federal legal requirements, the finance officer is authorized to make the following salary deductions:

1. federal income taxes (federal requirement);
2. state income taxes (state requirement);
3. federal social security taxes (state requirement);
4. North Carolina State Retirement System contributions (required by G.S. 135-8);
5. court-ordered child support payments;
6. federal, state and local government garnishments;
7. health insurance premiums authorized by state law (authorized by G.S. 115C-340);
8. tax sheltered (deferred) annuities, 403(b) (authorized by G.S. 115C-341);
9. Supplemental Retirement Income Plan of North Carolina, 401(k) (authorized by G.S. 135-93);
10. flexible benefits plan (authorized by G.S. 115C-341.1);
11. North Carolina State Employees Credit Union deductions (authorized by G.S. 115C-342);
12. United States Savings Bonds (optional, authorized by G.S. 115C-343);
13. group life insurance premiums (optional, authorized by G.S. 115C-340, -342);
14. group dental insurance premiums (optional, authorized by G.S. 115C-340, -342);
15. United Way contributions with a minimum deduction of \$5.00 per month from January through May only;
16. tax sheltered mutual fund investments for retirement purposes if the vendor has at least ten contracts with school system employees; and
17. other deductions as may be approved by the board..

All deductions approved by the board are voluntary on the part of the employee, except deductions for absences not covered by paid leave or those required by law or court order. Deductions such as garnishments and bankruptcy shall require a court order.

The personnel office shall make information available to all employees regarding possible payroll deductions and any procedures or requirements for particular types of deductions. Any employee who would like the board to consider additional salary deductions should contact the Finance Officer, who shall review such requests and make recommendations to the board.

Legal References: G.S. 115C-339 to -343; 135-8, -93; 143B-426.40A(g), (i)

Cross References:

Adopted: 14 April 2011

The board supports the practice of bringing employees back to work after a work-related injury or illness as soon as they are medically able in order to enhance the employees' recovery while minimizing the impact of work-related injuries on school system operations.

The superintendent is directed to establish a return to work program that is consistent with federal and state law, board policy, and State Board of Education requirements. The objectives of the program will be to:

1. assist employees who are recovering from a work-related temporary injury or illness to safely return to full duty without restrictions at the earliest possible time;
2. assist recovering employees who have temporary work restrictions to return to a temporary, time-limited transitional work assignment of modified or alternate duties approved by the authorized health care provider, when practicable and in the best interests of the school system to do so;
3. assist employees with permanent work restrictions to find suitable employment; and
4. maintain close communication, coordination, and cooperation between the employee, school system representatives, and others working to expedite the employee's recovery and return to work.

The superintendent shall provide specific procedures to guide all employees in carrying out the return-to-work program. All supervisory employees are expected to fully comply with the program procedures and to assist in meeting the program's objectives. Employees experiencing work-related injuries or illnesses shall fulfill all responsibilities assigned to them under the return-to-work program and shall fully comply with the applicable requirements of the North Carolina Workers Compensation Act.

If an employee refuses an approved transitional duty assignment or other suitable employment offered under this policy or under the return-to-work program required by this policy, the superintendent or designee shall direct the workers' compensation administrator to apply to terminate the employee's workers' compensation benefit payments in accordance with the North Carolina Workers' Compensation Act. In addition, the employee will be subject to disciplinary action to the extent consistent with law.

This policy and any procedures developed by the superintendent to implement this policy are not intended to, and do not, confer any additional employment rights on any employee, including any right to a transitional duty assignment, nor will they be construed as recognition by the school system that any employee who participates in the return-to-work program has a disability as defined by the Americans with Disabilities Act of 1990, the Rehabilitation Act of 1973, or the North Carolina Persons with Disabilities Protection Act.

Legal References: Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. Part 35; Family and Medical Leave Act of 1993, 29 U.S.C. 2601 *et seq.*, 29 C.F.R. Part 825; Rehabilitation Act of 1973, 29 U.S.C. 701 *et seq.*, 34 C.F.R. Part 104; North Carolina Persons with Disabilities Protection Act, G.S. ch. 168A; North Carolina Workers' Compensation Act, G.S. 97, art. 1; 115C-12(43), -337; State Board of Education Policy TCS-Q-001

Cross References: Family and Medical Leave (policy 7520)

Adopted: December 8, 2014

At the discretion of the board, specified employees may receive reimbursement for expenses incurred in the performance of their duties. Reimbursement for such expenses is reimbursable subject to the following conditions.

A. RATES

Employees traveling in the course and scope of their employment with the school system are entitled to reasonable reimbursement for mileage, lodging, meals, and other business-related expenses.

Mileage reimbursement rates for employees who are not provided with a state vehicle and use private vehicles on official business shall be established annually by the board. Such reimbursement rates will be in accordance with those established for state employees as approved by the board. The superintendent and finance officer are responsible for maintaining and disseminating information concerning applicable reimbursement rates and for developing and providing appropriate forms for requesting travel reimbursement.

The board will establish limits on the amount of authorized travel reimbursement.

B. ADVANCE APPROVAL

Prior authorization request forms must be completed and submitted to the superintendent or designee before incurring the expense. Expenses that are incurred without prior approval shall not be reimbursed.

C. DOCUMENTATION REQUIRED

Receipts are required for all expenses that are to be reimbursed.

The superintendent shall develop administrative regulations necessary to implement this policy.

Legal References: G.S. 115C-36, -47(21), 138-6

Cross References: Professional Development and Assistance (policy 1610/7800)

Adopted: 14 April 2011

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Policy Code: **7710**

The board encourages the professional growth and improvement of its teachers and administrators. The board supports participation in professional organizations that improve professional performance.

Every employee has the right to freely join and support any professional organization. The board and administration of the school system will not attempt to influence a teacher's or other employee's decision as to whether to join any organization or association.

School personnel should not participate in membership activities while school is in session for students or while they are expected to be performing job-related duties unless specifically authorized by the principal. Solicitation of membership must be done outside the regular school day and payment of dues for such organizations shall be the responsibility of the individual.

Personnel desiring to attend professional meetings and/or conferences shall apply through the established procedure in accordance with board policies 1610/7800, Professional Development and Assistance, and 7650, Travel and Expense Reimbursement.

Legal References: U.S. Const., amend. I; G.S. 115C-36, -47; 16 NCAC 6C.0404, .0405

Cross References:

Adopted: 14 April 2011

The employee's right of citizenship, involving registering, discussing political issues, voting, campaigning for candidates or issues, running for or serving in public office, and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system.

These political activities must not:

1. take place during school time;
2. involve school monies, materials or any other school resources; or
3. make use of an official school position to encourage or to coerce students or other employees of the system to support in any way a political party, candidate or issue.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting.

Legal References: G.S. 115C-47(18)

Cross References:

Adopted: 14 April 2011

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities with the school system. Although there may be other conflicts of interests, employees must follow board directives in the following areas.

A. FINANCIAL INTERESTS

An employee shall not engage in selling goods or services to the board and shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system.

1. Contracts with the Board

An employee shall not do any of the following:

- a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;
- b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board; or
- c. solicit or receive any gift, favor, reward, service or promise of reward, including a promise of future employment, in exchange for recommending, influencing or attempting to influence the award of a contract by the board.

An employee is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract. An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract.

2. Non-School Employment

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

- a. non-school employment that adversely affects the employee's availability

or effectiveness in fulfilling job responsibilities;

- b. work of any type in which the sources of information concerning customer, client or employer originate from any information obtained through the school system;
- c. work of any type that materially and negatively affects the educational program of the school system;
- d. any type of private business using system facilities, equipment or materials, unless prior approval is provided by the superintendent; or
- e. any type of private business during school time or on school property.

The superintendent may grant prior approval for work performed under subsections d and e above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

B. RECEIPT OF GIFTS

No school employee may accept gifts from any person or group desiring to do or doing business with the school system, unless such gifts are instructional products or advertising items of nominal value that are widely distributed.

C. TUTORING

Teachers shall not be privately remunerated for tutoring a student in a subject that the teacher teaches the student during the regular school day or when the teacher has administrative or supervisory responsibility over the student. Teachers shall not privately tutor students for a fee on school property or with school supplies.

D. INFLUENCE OF STUDENTS

All school employees are expected to refrain from the use of their positions or assignments in ways that could be construed to influence students unfairly or unduly in matters such as:

1. endorsing any book, material, equipment or similar item to students or parents when the employee will receive a financial benefit for the endorsement;
2. receiving fees from educational institutions for the recruitment of students;
3. recruiting students to participate in private business-type activities operated by the employee apart and separate from the school system;

4. causing students to feel it necessary to participate in activities or events which require more than nominal costs for such activities as lunches, dinner, admissions, transportation, and entertainment;
5. soliciting gifts and favors from students; or
6. receiving fees or other considerations in lieu thereof for the recruitment, enlistment, or chaperoning of students for private promotions not approved by the board.

E. CONSULTING

The board of education authorizes the superintendent to receive requests for consulting activities and to approve or disapprove each request on its merits. Upon approval by the board, the superintendent may undertake for remuneration consultative work, speaking engagements, writing, lecturing, membership and office in educational organizations or other professional duties and obligations. Consulting activities are not to infringe on the contractual obligations of the school system employee nor affect the educational programs of the school system.

Legal References: G.S. 14-234, -234.1; 115C-47(18); 133-32

Cross References: Board Member Conflict of Interest (policy 2121)

Adopted: 14 April 2011

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

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

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation. The school principal shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with any processes established by the State Board for that class of personnel. For a career teacher, the abbreviated evaluation process established in State Board Policy TCP-C-004 is sufficient to satisfy the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal evaluation. In addition, in any given year, the principal may elect to use the formal evaluation process set forth in the State Board Policy TCP-C-004 to evaluate a career teacher. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.
2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.

3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include analysis of student work for performance-based courses and student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board. Multiple means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee's impact on student performance.
4. Peer observations of probationary teachers must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.
5. Supervisors and principals should facilitate open communication with employees about performance expectations.
6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.
8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development) and suspension, demotion, and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.
10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

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

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1; State Board of Education Policies TCP-C-004, -005, -006, -022

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

Adopted: 13 January 2014

The board expects all professionally licensed employees to maintain high levels of performance. If employees do not meet this standard, the superintendent and administrative staff will address any identified performance deficiencies through appropriate means, including by placing the employee on an action plan when required by state law, state policy or local policy or when otherwise deemed necessary.

A. ACTION PLANS REQUIRED

Unless the superintendent recommends dismissal, demotion or nonrenewal of a poorly performing employee, the superintendent or designee shall develop and implement an action plan for each licensed employee who receives a “below standard” or “unsatisfactory” rating on a performance evaluation. Unless otherwise established by legal authority, the superintendent shall establish criteria that will be deemed evidence of a “below standard” or “unsatisfactory” rating on a performance evaluation. A “monitored growth plan” or “directed growth plan” developed in accordance with State Board of Education Policy TCP-C-004 satisfies the requirements for an action plan for a teacher under this policy.

B. DISCRETIONARY ACTION PLANS

Nothing in this policy shall limit the superintendent’s authority to place an employee on an action plan or other plan of improvement at any time deemed necessary, including when (1) a monitored or directed growth plan is not mandated under State Board policy, or (2) an action plan is not mandated under this policy.

C. ACTION PLAN COMPONENTS

1. **Dual Plans:** A plan that is intended to serve as both an action plan and a monitored or directed growth plan must meet the requirements set by the State Board. The superintendent may require additional components beyond those required by the State Board, such as those listed below.
2. **Separate Action Plans:** An action plan that is not intended to serve a dual role as a monitored or directed growth plan, whether required by law or discretionary, must include the following components:
 - a. Identification of Deficiencies. All performance deficiencies identified during the employee’s evaluation must be identified and addressed in the action plan.
 - b. Performance Expectations. For each problem identified, the action plan must include a statement of the expected level of performance.

- c. Strategies. The action plan must set forth a strategy or strategies designed to correct each identified deficiency. Strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance. They also should identify all individuals responsible for implementing the plan.
- d. Dates for Monitoring and Completion. The action plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level. Action plans required by this policy must be completed within 90 instructional days or before the beginning of the next school year.

D. REEVALUATION REQUIRED

Once an employee completes an action plan, the superintendent or designee shall reevaluate the employee and determine whether the employee continues to perform at an "unsatisfactory" or "below standard" level in any area or whether the employee's performance has improved sufficiently. If the employee's performance remains unsatisfactory or below standard, the superintendent shall either:

1. recommend that the board dismiss the employee or demote or transfer the employee to a position in which the employee can be successful; or
2. retain the employee in the current position if the superintendent:
 - a. determines that the employee's continuing performance problems are not adversely impacting student learning or the school environment, or
 - b. determines that the employee is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

An employee who is retained in his or her position after two poor evaluations must be given a new action plan and reevaluated in accordance with this policy.

E. SPECIAL PROVISIONS RELATING TO ACTION PLANS FOR LICENSED EMPLOYEES IN LOW-PERFORMING SCHOOLS

Professionally licensed employees assigned to low-performing schools will be placed on action plans as described in sections A, C and D above. However, if a licensed employee in a low-performing school receives a "below standard" or "unsatisfactory" rating on any function of his or her evaluation that is related to the employee's instructional duties, then the following additional provisions apply.

1. Person(s) Drafting the Action Plan

The person who directly supervises the employee, or the person or group who completed the employee's evaluation, will draft the required action plan for the employee. Assistance teams or assessment teams must collaborate with the employee's supervisor in developing an action plan.

2. **Reevaluation and Dismissal**

Upon completion of the action plan, the superintendent or designee or the assessment team will evaluate the employee again. The superintendent must recommend dismissal or demotion if the employee receives one "unsatisfactory" rating or more than one "below standard" rating on any function that is related to the employee's instructional duties.

Unless otherwise established by legal authority, the superintendent shall develop procedures that identify the standards of the evaluation instrument that are related to instructional duties for purposes of compliance with this subsection. The superintendent shall develop any other procedures necessary to carry out the board's directives.

Legal References: G.S. 115C-333, State Board of Education Policy TCP-C-004

Cross References: Evaluation of Licensed Employees (policy 7810)

Adopted: 14 April 2011

EVALUATION OF NON-LICENSED EMPLOYEES

Policy Code:

7815

The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their growth and development throughout their careers. Evaluations of noncertified employees' performance must conform to the following board directives.

1. Exemplary performance as well as deficiencies in performance should be clearly identified.
2. Supervisors and principals should facilitate open communication with employees about performance expectations.
3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities should address these issues with his or her immediate supervisor.
4. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.
5. Evaluation data may be used in making employment decisions, including transfers, promotions and dismissal and demotion of employees (policy 7940).
6. The superintendent and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.
7. All classified employees shall be evaluated at least twice during the first year of employment and at least annually thereafter. All evaluations shall be recorded on the approved standardized form.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out these board directives.

Legal References: G.S. 115C-47(18), -333

Cross References: Personnel Files (policy 7820), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: 14 April 2011

Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

A. RECORDS MAINTAINED

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;
2. commendations for and complaints against the employee (see Section C);
3. written suggestions for corrections and improvements made by the administration;
4. certificates;
5. employee's standard test scores;
6. employee's academic records;
7. application forms;
8. any request to the State Board of Education to revoke the employee's teaching license; and
9. other pertinent records or reports.

B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY

The following employee information must be kept separate from the employee's general personnel information, in accordance with legal and/or board requirements:

1. Pre-Employment Information

Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee's general personnel information and must not be made available to the employee.

2. Criminal Record Check

Data from a criminal history check must be maintained in a locked, secure location separate from the employee's personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

- a. health certificates (see policy 7120, Employee Health Certificate);
- b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);
- c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);
- d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and
- e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, and 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure).

If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

C. PLACEMENT OF RECORDS IN PERSONNEL FILE

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee's central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;
2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and
3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented

to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

D. ACCESS TO PERSONNEL FILE

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days' notice is given to the human resources office.
2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:
 - a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;
 - b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;
 - c. the board attorney;
 - d. the superintendent and other supervisory personnel;
 - e. the hearing officer in a demotion or dismissal procedure regarding the employee; and
 - f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days' written notice will be given to the employee prior to such disclosure.
3. No other person may have access to a personnel file except under the following circumstances:
 - a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;
 - b. pursuant to a subpoena or court order; or

- c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board.
4. Each request for consent to release records must be handled separately.
5. It is a criminal violation for an employee or board member to do either of the following:
 - a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or
 - b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;
2. the teacher's baccalaureate degree major and any post-graduate certification or degree held;
3. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; and
4. the qualifications of any paraprofessional providing services to the student.

F. PUBLIC INFORMATION

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public:
 - a. name;
 - b. age;
 - c. the date of original employment or appointment;

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- d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;
 - e. current position;
 - f. title;
 - g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);
 - h. the date and amount of each increase or decrease in salary with the board;
 - i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;
 - j. the date and general description of the reasons for each promotion with the board;
 - k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and
 - l. the office or station to which the employee is currently assigned.
2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.
 3. Volunteer records are not considered public records.
 4. Unless an employee submits a written objection to the human resources office, the board also may make the following information available about each employee as part of an employee directory:
 - a. address;
 - b. telephone number;
 - c. photograph;
 - d. participation in officially recognized activities and sports; and
 - e. degrees and awards received.

5. Employees will be notified of their right to object before any such directory is compiled or revised.
6. Under no circumstances will the following be released pursuant to a public records request or as part of an employee directory:
 - a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or
 - b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

G. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; No Child Left Behind Act of 2001, 20 U.S.C. 6311(h)(6); G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

Adopted: February 9, 2015

PETITION FOR REMOVAL OF PERSONNEL RECORDS

Policy Code:

7821

Any employee may petition the board of education to have removed from his or her personnel file any information that the employee believes to be invalid, irrelevant or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant or outdated.

1. The petition must be in writing, signed by the employee and submitted to the Human Resources office.
2. The petition must identify the specific information in question and the reasons for claiming it is invalid, irrelevant or outdated.
3. The written petition and the information in question, together with a recommendation from the superintendent or designee, must be submitted by the administration to a panel of the board consisting of not less than two members appointed by the chairperson.
4. The board panel must review the petition and the information in question and may make a decision including, but not limited to, the following:
 - a. deny the request for removal;
 - b. make a specific finding that the information in question is "invalid, irrelevant or outdated" and instruct the superintendent to remove the information in question from the employee's personnel file;
 - c. make a specific finding that the information in question is "invalid, irrelevant or outdated" but decide to leave the information in question in the employee's personnel file and add to the personnel file a copy of the petition, the superintendent's recommendation and the panel's findings;
 - d. request more written information from the petitioner and/or the person who submitted the information in question for placement in the petitioner's personnel file;
 - e. schedule a hearing to allow both parties to present additional information; or
 - f. such other appropriate action as the panel may deem proper.
5. The decision of the panel will constitute the decision of the full board.

Legal References: G.S. 115C-36, -47, 325(b)

Cross References:

Adopted: 14 April 2011

A. PROFESSIONAL EMPLOYEES

Professional employees who intend to resign for any reason are encouraged to indicate their plans in writing at as early a date in the school year as possible, such as when plans become firm and/or the decision to leave the school system is made. A resignation requires 30 days' notice unless the superintendent consents to a shorter notice period.

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

If a career employee who has been recommended for dismissal under G.S. 115C-325(e)(1) resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education; and (4) the employee shall be deemed to have voluntarily surrendered his or her license pending an investigation by the State Board of Education to determine whether to seek action against the employee's license. For purposes of this section, "career employee" means (1) a teacher or administrator with career status, or (2) an administrator or probationary teacher during the term of his or her contract.

B. ALL EMPLOYEES

Letters of resignation must be submitted to the superintendent. Resignations may be accepted, on behalf of the board, by the superintendent or designee. To help ensure the smooth operation of the schools, 30 days' notice is requested whenever possible.

Each employee who is leaving the school system may arrange to meet with any director, supervisor or administrator to discuss his or her reasons for leaving and to identify any practices or policies that he or she feels are detrimental to the objectives of the school system. To the extent possible, statements made by employees will be confidential.

Legal References: G.S. 115C-47, -325(e), -325(o)

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

Adopted: 12 February 2013

RETIREMENT

Policy Code:

7910

Retirement will be in accordance with the Teacher's and State Employees' Retirement System of North Carolina. No employee will be required to retire at any age.

Any employee who plans to retire must notify the human resources department at least 90 days prior to his or her intended retirement date, except in cases in which health or other extenuating circumstances make shorter notice necessary.

Legal References: 29 U.S.C. 621-634; G.S. 135, art. 1

Cross References:

Adopted: 14 April 2011

**PROFESSIONAL
PERSONNEL REDUCTION IN FORCE**

Policy Code:

7920

The purpose of this policy is to establish an orderly procedure for reducing the number of licensed, professional employees of the school system.

A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of professional personnel positions.

1. System Reorganization

System reorganization is defined as (a) the closing, consolidation or reorganization of schools, school buildings or facilities; (b) the elimination, curtailment or reorganization of a curriculum offering, program or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

B. PRELIMINARY DETERMINATION

1. The superintendent shall determine whether or not a reduction in force is necessary, appropriate or in the best interests of the school system.
2. When the superintendent believes that grounds exist for a reduction in force, the superintendent shall present a recommendation to the board. The recommendation must include:

- a. the grounds for a reduction in force;
 - b. the number or estimated number of licensed employee positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and
 - c. the background information, data and rationale for the recommendation.
3. The board will review the superintendent's recommendation and will determine whether to reduce the number of licensed employees or to reduce their terms of employment.
 4. If the board, after exploring, considering and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of licensed employees is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted or reduced to part-time employment, based on the criteria set forth below.

C. CRITERIA

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors in determining which employees will be included in the reduction in force, including the following in the order listed:

1. Non-licensed teachers shall be selected for the reduction in force in the order of the hire date.
2. Teachers that are employed in either short-term or temporary positions shall be selected for reduction in force in the order of the hire date.
3. Retired teachers that have returned to work in the order of the hire date.

After consultation of the board and recommendation of the superintendent, if further reduction in force is necessary, the superintendent shall consider a variety of factors, including the following, in determining which employees will be included in the reduction in force:

1. performance ratings;
2. areas of licensure (including without limitation, foreign languages, math, science, AP, honors courses);
3. highly qualified status;

4. program enrollment;
5. service in extra duty positions and ability to fill such positions;
6. length of service, with higher priority given to service in this school system; and
7. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

D. PROCEDURE FOR TERMINATION

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any career teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment due to a reduction in force or when any probationary teacher (as defined in G.S. 115C-325) is terminated, demoted or reduced to part-time employment during the term of the contract due to a reduction in force.

The board will approve, disapprove or modify the superintendent's recommendation for reduction in force. All employees affected by the reduction will be notified in writing of the board's decision.

E. TERMINATION/REEMPLOYMENT OF A CAREER EMPLOYEE

When a career teacher is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board. Career teachers whose names are placed on such a list will have priority for all positions for which they are qualified that become available in the school system for the three consecutive years succeeding their dismissal. If the school system offers the dismissed teacher a position for which the teacher is licensed and the position is refused, the teacher's name will be removed from the priority list.

F. NONRENEWAL OF AN EMPLOYEE

The board, upon recommendation of the superintendent, may refuse to renew the contract of a probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient (see policies 7410, Career Status, and 7950, Probationary Teachers: Nonrenewal). The nonrenewal of a probationary teacher contract or non-reemployment of any teacher who is not under contract is not considered a "termination" under this policy. As a result, the procedures set forth in this policy will not be required to be followed before the board's decision not to renew or reemploy such employee.

Legal References: G.S. 115C-325

Cross References: Career Status (policy 7410), Probationary Teachers: Nonrenewal (policy 7950)

Adopted: 14 April 2011

With prior board approval, the superintendent may terminate or reduce the term of employment of classified employees in order to reduce staff. In such circumstances, the following procedure will apply:

1. The superintendent shall first reduce staff through normal attrition.
2. The superintendent shall recommend reductions in force to the board based upon the following criteria:
 - a. job performance as indicated on formal evaluations and other documentation;
 - b. degrees, licenses or other indications of an employee's potential to contribute and progress in the school system;
 - c. seniority in the same or related positions within the system as a whole; and
 - d. other criteria determined to be relevant by the superintendent.

The superintendent shall use his or her discretion in weighing these factors; however, proven job performance will be the most significant factor.

The board will approve, disapprove or modify the superintendent's recommendation for reduction in force. All employees affected by the reduction will be notified in writing of the board's decision. Such notice must include information regarding the opportunity for any employee terminated pursuant to this policy to submit his or her name for other positions as they become open. Such submission does not offer any guarantee of employment; however, a positive work experience with the school system will be favorably reviewed in regard to any application for employment.

Legal References: G.S. 115C-47

Cross References:

Adopted: 14 April 2011

PROFESSIONAL EMPLOYEES: DEMOTION AND DISMISSAL

Policy Code:

7930

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. When a licensed employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate.

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

All legally required or contractually agreed-upon procedures, including those prescribed in G.S. 115C-325, will be followed in the dismissal or demotion of employees. Career employees, probationary employees during the term of their contracts, and school administrators during the term of their contracts may be dismissed for the following reasons as outlined in G.S. 115C-325(e)(1):

1. inadequate performance;
2. immorality;
3. insubordination;
4. neglect of duty;
5. physical or mental incapacity;
6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;
7. conviction of a felony or a crime involving moral turpitude;
8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence or other unlawful means;
9. failure to fulfill the duties and responsibilities imposed upon teachers by the General Statutes;

10. failure to comply with such reasonable requirements as the board may prescribe;
11. any cause that constitutes grounds for the revocation of a career teacher's teaching certificate;
12. a justifiable decrease in the number of positions due to school system reorganization or decreased enrollment provided that there is full compliance with other statutory requirements;
13. failure to maintain one's certificate in current status;
14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and
15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a career employee who has been recommended for dismissal under G.S. 115C-325(e)(1) is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 90 art. 5; 115C-287.1, -307, -325; 143 art. 60; 16 N.C.A.C. 6C .0502

Cross References: Professional and Staff Development (policy 1610/7800), Staff Responsibilities (policy 7300), Job Descriptions (policy 7400), Career Status (policy 7410), Evaluation of Licensed Employees (policy 7810), Personnel Files (policy 7820), Resignation (policy 7900), Probationary Teachers: Nonrenewal (policy 7950)

Adopted: 14 April 2011

**CLASSIFIED PERSONNEL:
SUSPENSION AND DISMISSAL**

Policy Code:

7940

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

A. SUSPENSION

The superintendent or designee may suspend an employee without pay as a disciplinary sanction. The superintendent shall provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has 10 calendar days from the date of receiving written notice of the superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the superintendent's decision and (2) request an appeal before the board of education regarding the decision to suspend without pay. If notice of the reason(s) for the suspension is requested, such notice must be provided prior to any board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the grounds that there was no rational basis for the suspension; the suspension was discriminatory or was used for harassment; or board policies were not followed.

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

B. TERMINATION

As "at will" employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow board policies or a reduction in staff. All terminations to reduce staff will be in accordance with policy 7921, Classified Personnel Reduction. All other terminations will be made pursuant to this policy. The superintendent has the authority to terminate at-will employees. The superintendent should provide written notice to the employee and the board of the decision to terminate. An employee has 15 calendar days from the date of receiving notice of the superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the superintendent's decision and (2) request an appeal of the decision to the board of education. If notice of the reason(s) for the

termination is requested, such notice must be provided prior to any board hearing on the termination. The termination is effective during the period of appeal.

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

The hearing procedures established in policy 2500, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the superintendent as soon as practicable after reaching a decision. The board may uphold the superintendent's decision or reinstate the employee for any reason it deems proper, so long as the board's reason is not discriminatory.

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

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

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

Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction (policy 7921), Annual Independent Audit (policy 8310)

Adopted: 14 April 2011

PROBATIONARY TEACHERS: NONRENEWAL

Policy Code:

7950

The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient, so long as the cause is not arbitrary, capricious, or discriminatory or for personal or political reasons. Probationary teachers during the term of their contracts will be demoted or dismissed only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

A. TEACHER RIGHTS UPON NONRENEWAL

By no later than May 15, the superintendent shall provide written notice to the probationary teacher of the superintendent's intent to recommend nonrenewal of the teacher's contract and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. The failure to file a timely request within 10 days shall result in a waiver of the right to this information. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A probationary teacher has the right to petition the board for a hearing regarding the superintendent's recommendation for nonrenewal. The board will notify the teacher of its decision whether to grant a hearing.

The board will notify the probationary teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher submitted a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or a later date upon the written consent of the superintendent and teacher.

Legal References: G.S. 115C-45(c), -325

Cross References: Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: 13 January 2014

The board is committed to obtaining, managing and using financial resources to support a system of free public schools and to further the educational goals of the board and the State. To make that support as effective as possible, the board intends to:

1. Engage in thorough advance planning with broad-based staff and community involvement to develop budgets and guide expenditures that will achieve the greatest educational returns and the greatest contributions to the educational program in relation to dollars expended.
2. Establish level of funding which will provide high quality education for the school system's students.
3. Use the best available techniques for budget development and management.
4. Provide timely and appropriate information to all staff with fiscal management responsibilities.
5. Require efficiency in all fiscal accounting and reporting procedures
6. Explore all practical and legal sources of funding for programs.

Legal References: G.S. 115C-36, -47, -427, -431, -432

Cross References: Goals and Objectives of the Educational Program (policy 3000)

Adopted: 12 February 2013

The annual school budget is the financial outline of the school system's educational program. Planning and preparation are critical to the development of a budget likely to further the educational goals of the board and the State and to provide for the smooth operation of the school system. The content of the budget shall conform to the requirements of state law and regulations.

A. GOALS AND OBJECTIVES OF THE OPERATING BUDGET

The fiscal year for the annual budget shall be from July 1 through June 30. The annual school operating budget should reflect an optimal educational program to achieve a balanced school budget. The balanced budget shall follow that uniform budget format prescribed by the State Board and shall be organized so as to facilitate the following objectives:

1. To enable the board and county commissioners to make sound educational and fiscal decisions in support of school programs.
2. To control and facilitate fiscal management of the school system during the school year.
3. To facilitate gathering accurate and reliable fiscal data on the operation of the Whiteville City Administrative Unit.

B. ELEMENTS OF BUDGET PLANNING

Annually, before preparation of the budget for the next fiscal year, the superintendent shall review the current programs and capital investments of the school system in relation to the present and future needs of the students, the schools and the community. The superintendent shall involve school administrators, principals, teachers and other employees in this process where appropriate. The superintendent shall present the results of the review to the board along with recommended goals to be used in preparation of the budget. The board will set final goals for the school system.

The budget planning for the board and superintendent will include:

1. establishing the priorities of the school system, recognizing that improving student success will always be of paramount concern;
2. considering long-range facilities plans, goals and objectives as established by the board and school system staff when assessing the needs of the school system;
3. integrating budget planning into program planning so that the budget may effectively support and implement all programs and activities of the school

system;

4. seeking opportunities to communicate with the county commissioners about needs on a regular basis, especially with regard to capital outlay;
5. seeking broad participation by administrators, teachers and other school system personnel and citizens;
6. exploring all practical and legal sources of income;
7. continually assessing the needs, revenues and expenses of the school system; and
8. identifying the most cost-effective means of meeting the school system's needs.

C. PROCESS

By January 31 of each year, the superintendent shall submit to the board a calendar outlining the steps to be followed and the target dates for development of the budget for the next fiscal year. The superintendent shall prepare a proposed annual budget and submit it with his or her budget message to the board no later than May 1.

On the same day that the proposed budget is submitted to the board, the superintendent shall file a copy of it in his or her office, where it will remain available for public inspection until the budget resolution is adopted. The superintendent shall ensure that any citizen can obtain a copy of the budget upon request and payment of the cost of printing the document.

The superintendent may also publish a statement in a local newspaper which states that the budget has been submitted to the board and is available for public inspection in the office of the superintendent. The statement should also give notice of the time and place of public hearings on the proposed, if any.

The board may hold public hearings on the proposed budget prior to final action. Notice of such hearings shall be advertised in the local media and shall conform to board policy and state law.

The board will consider the proposed budget and make such changes therein as it deems advisable. The board will submit the entire budget as approved by the board to the board of county commissioners no later than May 15, or such later date as may be fixed by the board of county commissioners.

Legal References: G.S. 115C-423, -426.2, -427, -428, -429, -432

Cross References:

Adopted: 13 June 2011

Through the budget resolution, the board appropriates sums it determines are sufficient and proper for the budget year. The board will provide schools with maximum flexibility in the use of funds to enable the schools to accomplish their student performance goals. The school system will not expend any monies, regardless of their source, except in accordance with the budget resolution adopted by the board.

A. ADOPTION OF RESOLUTION

Once the board of county commissioners has appropriated money to the local current expense fund and capital outlay fund, the board may determine whether such funds are sufficient. If the board determines that the appropriation is insufficient, the board may utilize the procedure provided by law for resolution of disputes between a board of education and a board of county commissioners.

After the board of county commissioners has appropriated funds and after the conclusion of any dispute regarding the appropriation, the board of education will adopt a budget resolution in conformance with all legal requirements. The budget resolution will be entered in the minutes of the board. Within five days after adoption, copies will be filed with the superintendent, the school finance officer and the county finance officer.

The board shall file a copy of the approved budget resolution with the Controller of the State Board of Education by October 15 or by such other date as may be established by law or regulation.

B. INTERIM APPROPRIATIONS

If the adoption of the budget resolution is delayed until after July 1, the board shall make interim appropriations for the purpose of paying salaries and the usual ordinary expenses of the school system for the interim between the beginning of the fiscal year and adoption of the budget resolution.

No expenditures may be made or purchase orders issued after June 30 without adoption of the budget resolution or an interim appropriation from the board.

C. AMENDMENTS TO THE BUDGET RESOLUTION

Within the limits established by state law, the board may amend the adopted budget resolution to provide for changes in the conditions of the school system.

D. AUTHORIZATION FOR BUDGET LINE ITEM TRANSFER BY SUPERINTENDENT

The board authorizes the superintendent to transfer funds from one appropriation to another within the same fund under the following conditions, provided the transfers

otherwise meet any applicable legal requirements:

1. Amounts may be transferred between sub-functions and objects of the expenditure within a function without limitation; such transfers need not be reported to the board.
2. Amounts not to exceed \$10,000.00 may be transferred between functions of the same fund; the superintendent shall report the transfer to the board at its next regular meeting and enter it into the board minutes.

The superintendent shall not transfer any amounts between funds nor from any contingency appropriation within a fund.

Legal References: G.S. 115C-105.25, -425, -431, -432, -433

Cross References:

Adopted: 13 June 2011

REVENUE SOURCES, GRANTS AND FUNDING FOR SPECIAL PROJECTS

Policy Code:

8210

A. REVENUE SOURCES

The state apportions funds to the Whiteville City Administrative Unit in accordance with provisions of the public school fund. Local funds are generated through tax-levying authorities. Where deemed necessary and appropriate, the board will request the board of county commissioners to issue bonds or levy or increase taxes on behalf of the school system.

To fulfill the educational goals of the board, the board will seek as many sources of revenue as possible to supplement the funds provided by local taxation and the aid provided by the state, including applying for grants, charging tuition when allowed and consistent with board policy, seeking gifts, renting out school facilities, selling surplus property, operating vending facilities, and participating in federal aid and other programs that the superintendent believes will provide appropriate services or opportunities to students. As required, such activities will be coordinated with the Department of Public Instruction and the State Board of Education.

The school finance officer will meet all requirements necessary to facilitate the disbursement of federal, state, local and other revenues to the district. All disbursements, fees, payments, rentals and other monies received by the school district shall be deposited, budgeted, appropriated and expended in accordance with legal requirements.

B. GRANTS AND FUNDING FOR SPECIAL PROJECTS

Where appropriate, the superintendent is directed to seek public and private grants and funding for special projects as a source of supplemental funding. Employees also are encouraged to learn about special funding opportunities and to participate in the development of proposals to obtain the funding.

All applications for grants or specially funded projects must be consistent with the educational goals of the board. When required by the funding agency, the proposals will be presented for board approval. The board must be notified of all funds awarded.

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

Legal References: N.C. Constitution art. IX §7; G.S. 115C-36, -47, -426, -426.1, -437, -438, -551

Cross References: Tuition for Discretionary Admissions (policy 4135), Student Fees (policy 4600); Gifts and Bequests (policy 8220), Penalties, Fines and Forfeitures (policy 8230),

Adopted: 13 June 2011

The board encourages individuals and organizations to consider making a gift or bequest to the school system. Such gifts foster community support for the schools and improve the school system for the benefit of students and others.

The superintendent shall evaluate any offers of gifts or bequests that are not revenues or gifts of nominal value. The superintendent must consider the gift's suitability, any safety hazards, and the cost of maintaining the gift and then make a recommendation to the board. For computer equipment or other technological resources, the superintendent shall ensure that such items are compatible with minimum hardware and software standards set by the technology director. The board will decide whether to accept the gift on behalf of the school system.

Upon receiving notification of a donor's intent to offer a gift to a school, a principal shall give written notification to the superintendent that states the nature of the gift and the purpose for which it is donated. The superintendent shall ensure that any offered gift imposes no undue financial burden or obligation on the school system.

The board establishes the following conditions for the acceptance of gifts. Other conditions may be set as the board deems appropriate.

A. FINANCIAL GIFTS

1. The superintendent may accept gifts up to \$5,000.00 on behalf of the board. The superintendent shall report any accepted gifts at the next board meeting. The board reserves the right to determine in each particular case the appropriateness of any contribution and may accept or reject a contribution as the board sees fit.
2. The donor may designate funds request that a gift or bequest be designated for use in a particular area.
3. The specific manner in which funds are expended within a designated area will be determined under the direction of the superintendent.
4. The title to supplies and equipment purchased with funds from any donor will remain with the board.
5. The board has no responsibility and makes no promises to continue any program initiated with donor contributions once the donated funds are expended.
6. The board will provide, upon request, a written financial report regarding the expenditure of funds. The report will be in a format determined by the board.

The superintendent shall ensure that any revenues accepted by the board are deposited in the proper fund.

B. NON-FINANCIAL GIFTS

1. The donor should give written notification to the superintendent, which states the nature of the gift and the purpose for which it is donated.
2. The superintendent shall ensure that the gift imposes no financial burden or obligation on the school system.
3. The superintendent shall present information provided by the donor to the board at its next regular meeting and shall make a recommendation regarding acceptance of the gift.
4. Any gift or donation that includes advertisement must be consistent with policy 5240, Advertising in the Schools.
5. Before installation, the superintendent or designee must approve the design, location and construction material of major gifts that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights or fences, etc. Any such gift also must meet any required safety standards.
6. Gifts of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property.
The board will determine the appropriateness of each gift or contribution for the educational programs of the school system and reserves to itself the right to accept or reject any such gift or contribution.

The superintendent shall provide for the appropriate recognition of contributors.

Unless otherwise specified in a written agreement approved by the board, any gift or bequest becomes the permanent property of the school system. If the board at any time determines that such property is unnecessary or undesirable for public school purposes, the board may sell such property in accordance with state law.

Legal References: G.S. 115C-36, -47, -518; G.S. 115C, art. 35

Cross References: Technology in the Educational Program (policy 3220), Advertising in the Schools (policy 5240)

Adopted: 13 June 2011

Article IX, section 7 of the North Carolina Constitution requires that the clear proceeds of all penalties, fines and forfeitures accruing to the State be forwarded to the school funds to maintain the public schools. The superintendent is directed to seek aggressively to collect all funds that the constitution requires to be directed to the public schools. The superintendent shall report periodically to the board the amount of penalties, fines and forfeitures that have been collected.

Legal References: N.C. Const. art IX, 7; G.S. 115C-433, -452, -437

Cross References:

Adopted: 13 June 2011

In recognition of the trust and responsibility placed with the board to manage financial resources for the local educational program, the board establishes the following standards.

1. The board and all employees of the school system will manage and use available funds efficiently and effectively to meet the goals of the local board and State.
2. Accounting, financial reporting and management control systems will be designed and maintained to meet applicable requirements set by law and the State Board, to enable the board and school system to have access to accurate, reliable and relevant data, and to permit audits and periodic reports adequate to show that those in charge have handled funds within legal requirements and in accordance with board policy.
3. The superintendent and finance officer shall keep the board sufficiently informed regarding the budget through monthly financial statements and any other appropriate means so that the board can deliberate upon and evaluate the budget.
4. No moneys will be expended, regardless of the source (including moneys derived from federal, state, local or private sources), except in accordance with the board's budget resolution or amendments to the budget resolution.
5. Principals and school improvement teams must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.
6. The finance officer shall develop a cash management plan that includes techniques and procedures for the receipt, deposit and disbursement of moneys required to be deposited with the State Treasurer and with respect to moneys made available to the schools system for expenditure by warrants drawn on the State Treasurer. The plan shall be designed to maximize interest-bearing investment of cash and to minimize idle and nonproductive cash balances.
7. The finance officer will furnish fiscal reports and any necessary supporting documentation in accordance with state law and/or the requirements of the State Board of Education or any other agency with legal authority to request such reports.

Legal References: G.S. 115C-105.25, -425, -433,-440, -451; 147-86.10, -86.12

Cross References:

Adopted: 13 June 2011

The accounts of the school system and the individual schools will be audited as soon as possible after the close of each fiscal year by an independent, qualified auditor. The auditor will be selected by the board, and the terms and conditions will be specified in a written contract. The auditor will report directly to the board.

The superintendent shall assist the board in providing for an annual independent audit that meets all requirements as provided by G.S. 115C-447 and any other relevant statute. All employees and agents of the school system having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce all books and records requested by the auditor and provide any information relating to fiscal affairs requested by the auditor. Any employee of the board who conceals, falsifies, or refuses to deliver or divulge any books, records, or information or otherwise fails to cooperate with the auditor, with an intent to thereby mislead the auditor or impede or interfere with the audit, shall be subject to dismissal by the board and also may be found guilty of criminal conduct.

The finance officer may make spot audits of school accounts.

Legal References: G.S. 115C-447

Cross References: Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: 13 June 2011

The board will designate, upon the recommendation of the finance officer, one or more banks, savings and loan associations, or trust companies in North Carolina as official depositories. No money belonging to the Whiteville City Administrative Unit or to an individual school will be deposited in any place other than an official depository, except as permitted by G.S. 115C-443(b), which exception relates only to certificates of deposits or such other forms of time deposits approved by the Local Government Commission.

The designated official depositories may change as deemed appropriate by the board. Such changes will be conducted through an invitation for bid process.

Legal References: G.S. 115C-443, -444

Cross References:

Adopted: 13 June 2011

Except as otherwise provided by law, all monies collected or received by an officer, employee or agent of the school system or an individual school must be deposited in accordance with good and prudent business procedures and this policy.

Each officer, employee and agent of the school system or individual school whose duty it is to collect or receive any taxes or other monies shall deposit daily his or her collections and receipts. However, if the amount on hand is less than \$ 250.00, daily deposits are strongly encouraged but are not required. Regardless of the amount on hand, all funds must be deposited at the end of each school week and on the last business day of each month. All moneys on hand shall be kept adequately secured until deposited.

For purposes of this policy, the “day” shall begin at 2 p.m. and end at 1:59 p.m. on the next school/business day.

Principals shall make arrangements for night deposit of receipts from athletic contests and other events held on Friday nights, Saturdays and Sundays when such receipts amount to two hundred fifty dollars (\$250.00) or more.

All deposits must be made with the finance officer or designee or in an official depository. Deposits in an official depository must be reported immediately to the finance officer or individual school treasurer by means of a duplicate deposit ticket.

The finance officer may at any time audit the accounts of any officer, employee or agent who collects or receives any taxes or other monies and may prescribe the form and detail of these accounts. The accounts of such an officer, employee or agent must be audited at least annually.

Legal References: G.S. 115C-445

Cross References: Individual School Accounts (policy 8410), School Treasurer (policy 8520)

Adopted: 13 June 2011

The school finance officer shall sign and authorize all checks, drafts, and state warrants.

The board authorizes the use of facsimile signature machines, signature stamps, or similar devices in signing checks and drafts and in signing the preaudit certificate on contracts or purchase orders. The board charges the finance officer with the custody of the necessary machines, stamps, plates, or other devices. The finance officer and the sureties on his or her official bond are liable for any illegal, improper or unauthorized use of these signature devices.

The signature of the principal and school treasurer shall be required on all checks issued on individual school accounts.

Legal References: G.S. 115C-436, -439

Cross References:

Adopted: 13 June 2011

The board will maintain insurance adequate to safeguard the school system's property and assets. Each fiscal year, the finance officer shall make recommendations to the board on the amounts and types of insurance that should be obtained, such as errors and omissions, general liability, boiler & machinery, real and personal property, auto liability and workers' compensation. Insurance premiums will be included in the budget as a necessary expense. The finance officer will maintain custody of insurance policies and insurance programs.

If the board requires school social workers to increase their private automobile liability coverage and/or to add a business use rider in order to transport students in their private vehicles, the school will reimburse the social worker for the additional premium charged and/or for the increased liability limits or the added rider.

Legal References: G.S. 115C-36, -47, -317.1, -435, -534

Cross References: Insurance for Student Transportation Services (policy 6330), Defense of Board Employees (policy 7610)

Adopted: 12 February 2013

A. APPLICABILITY TO CERTAIN CLAIMS

On occasion, the board of education is presented with claims against the board from students, parents or other citizens for injuries to person or property sustained while on a board property or at a school-sponsored event. The board adopts this policy in order that it may consider and process all such claims in a fair and equitable manner, taking into consideration the economic resources available to the board.

The board will only consider claims under this policy when the applicable insurance agreement and/or coverage agreement, if any, does not provide for the consideration, settlement and/or adjustment of claims prior to legal action being filed by the claimant in a court of competent jurisdiction. Upon the filing of a complaint, the board will immediately refer all claims to the appropriate insurance company or coverage provider for appropriate action.

B. PROCEDURE FOR FILING CLAIM

All claims must be made to the superintendent in writing and must include a detailed account of how the injury occurred, whether board employees were involved, and the amount of damages suffered by the claimant. The claimant should include all supporting documentation and any other information he or she believes is relevant. The superintendent or designee shall investigate the incident and, if necessary, provide supplemental information to the board.

After receiving the claim, the board, in consultation with its attorney, will determine whether to pay the claim, deny the claim or make an offer to settle the claim.

C. SETTLEMENT

In determining whether to settle a claim prior to the filing of a legal action, the board will consider the factors listed below. Before any final decision is reached, the board attorney shall ensure that these factors were considered by the board in arriving at its final decision.

1. Whether there is a reasonable possibility that the potential defense costs to be paid by the board, including an estimate of personnel time and school system resources, will exceed the amount for which the case can be settled.
2. The extent to which an employee's actions or omissions may have caused, or contributed to, an injury.
3. Whether an employee intentionally caused an injury.

4. Whether there are any affirmative defenses available to the board in the event of litigation. However, the board will not assert or consider the availability of Sovereign/Governmental Immunity for any pre-litigation claim.
5. Whether the demand is within the retention or deductible level for monetary payments pursuant to any applicable insurance or coverage agreement.

Each claim will be evaluated based upon the specific circumstances. All factors need not be given equal weight, and no one factor will be controlling.

The payment of any claim will be subject to the claimant's execution of a full release of liability in favor of the board, its employees and its agents. The release will be on a form approved by the board attorney.

By considering whether to settle a claim, the board does not waive any affirmative defenses available to it or its employees, including but not limited to the defenses of governmental, sovereign, qualified or public official immunity, or contributory negligence. The board may assert these defenses should the claimant choose to file a lawsuit.

Legal References: *Dobrowolska v. City of Greensboro*, 138 N.C. App. 1 (2000)

Cross References:

Adopted: 13 June 2011

Fixed asset accounting is an important part of the stewardship responsibility of school officials. It allows school officials to properly account for the financial and economic resources of the school system. An inventory control system will be established for all tangible fixed assets owned or possessed by the board of education. The superintendent shall ensure that a physical account of fixed assets is taken on an annual basis.

A. DEFINITION OF FIXED ASSETS

Fixed assets are items of tangible property, both real and personal, having a value of \$500 or more and an estimated useful life of two years or more. Fixed assets are distinguishable from intangible property, such as money or securities, and consumable tangible property, such as office supplies.

B. CATEGORIES OF FIXED ASSETS

For the purposes of accounting and inventorying fixed assets, they will be divided into the following categories.

1. Land: Real property owned in fee simple, easements, rights-of-ways and leases and other interests in land.
2. Land Improvements: Permanent improvements (excluding buildings as defined in Section 3 below) that add value to the land or improve the use of land, such as sidewalks, parking lots, driveways, fences and drainage systems.
3. Buildings: Any permanent or portable, man-made structure owned by the board of education and used to house or shelter persons or property, including schools, offices, warehouses, garages, sheds and similar structures.
4. Equipment: Any portable, tangible personal property not permanently affixed to real property that is owned, leased or used by the school system, including such items as machinery, tools, furniture, computers and motor vehicles.

C. RECORD KEEPING

The superintendent shall develop an appropriate record keeping and inventory system for the school system's fixed assets.

Legal References: G.S. 115C-36, -47, 115C-102.6A(c)(5), -523, -539

Cross References:

Adopted: 13 June 2011

The board authorizes the maintenance of appropriate individual school accounts.

All employees and volunteers who handle checks, receipts, deposits, money, or financial records related to the individual school accounts are expected to be familiar with applicable laws and board policies and to comply with prudent business practices. School employees are not permitted to collect any fees from students unless specifically approved by the board. (See policy 4600, Student Fees). Proper procedures shall be followed by each school to ensure the accounting of all funds collected or generated through student activities.

The principal is responsible for the proper administration of financial activities of the school in accordance with provisions of law and appropriate accounting practices and procedures. The principal shall ensure that all moneys are deposited with the school treasurer and in accordance with policy 8325, Daily Deposits. Money shall be removed daily from all vending machines located on the school premises.

The school treasurer shall perform duties as provided in board policy 8520, School Treasurer.

Schools are prohibited from maintaining a deficit balance in individual school fund accounts at the end of a fiscal year. Any deficit incurred during the school year must be immediately corrected with an authorized transfer from that school's general fund. The finance officer shall establish any procedures necessary to help ensure that this requirement is met and that all funds are otherwise handled in accordance with law, board policy, and standards for accounting.

All accounts are subject to audit at any time by the superintendent or finance officer.

Legal References: G.S. 115C-435, -436, -445, -448

Cross References: Student Fees (policy 4600), Fiscal Management Standards (policy 8300), Daily Deposits (policy 8325), Events Receipts and Admission (policy 8415), School Finance Officer (policy 8510), School Treasurer (policy 8520)

Adopted: 13 June 2011

Receipts from admissions to athletic activities or other school-sponsored events shall be properly receipted and accounted for in accordance with procedures established by the finance officer and with appropriate laws and procedures.

Event receipts shall be deposited in accordance with policy 8325, Daily Deposits. The treasurer of each school shall keep complete records of all moneys in his or her charge in such form and detail as may be prescribed by the finance officer and shall make reports to the superintendent and finance officer annually or otherwise, as the board may prescribe.

The board shall set the ticket prices for all athletic events, pursuant to any requirements of the North Carolina High School Athletic Association. The principal, with approval of the superintendent, shall set the admission price for any other school functions for which an admission charge is allowable.

Legal References: G.S. 115C-36, -445, -448

Cross References: Public Records (policy 5070), Fiscal Management Standards (policy 8300), Daily Deposits (policy 8325), Individual School Accounts (policy 8410), School Treasurer (policy 8520)

Adopted: 13 June 2011

A. SELECTION AND EVALUATION

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

B. DUTIES

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

1. keeping the accounts of the school system in accordance with generally accepted principles of governmental accounting, board policy, the rules and regulations of the State Board of Education, and the rules and regulations of the Local Government Commission;
2. giving the pre-audit certificate required by G.S. 115C-441 and establishing procedures to assure compliance;
3. signing and issuing all checks, drafts and state warrants by the school system;
4. developing a cash management plan, as described in policy 8300, Fiscal Management Standards;
5. investing the cash balance of any funds, subject to board policy 8110, Budget Resolution;
6. receiving and depositing all moneys accruing to the school system;
7. preparing and filing a statement of the financial condition of the school system as often as requested by the superintendent;
8. preparing and filing a statement of the financial condition of the school system when requested by the board of education or the board of county commissioners, but only if such requests are in writing and copied to the superintendent;
9. performing such other duties as may be assigned by law, by the superintendent, or by rules and regulations of the State Board of Education and the Local Government Commission;
10. submitting reports to the Secretary of the Local Government Commission as required by law;

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

C. FIDELITY BOND

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

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

Cross References: Continuing Contracts (policy 6425), Payroll Deductions (policy 7620), Budget Resolution (policy 8110), Fiscal Management Standards (policy 8300), Facsimile Signatures (policy 8330), Insurance (policy 8340), Fidelity Bonds (policy 8530)

Adopted: 13 June 2011

A. FINANCE OFFICER

The school system will pay the premium for a true accounting and faithful performance bond with sufficient sureties to cover all funds in the school finance officer's custody except state funds placed to the credit of the school system by the State Treasurer. The amount of the bond shall be not less than ten thousand dollars (\$10,000) nor more than two hundred fifty thousand dollars (\$250,000).

B. OTHER EMPLOYEES

The school system will pay the premium for a true accounting blanket bond with sufficient sureties that will cover all school treasurers and other employees who have custody of public school money in the normal course of their employment or agency. The board will fix the amount of the bond.

C. BLANKET BOND OPTION

In lieu of individual bonds, the board may provide for a blanket bond to cover all officers, employees and agents of the board who are required to be bonded, except the finance officer. The finance officer may be included within the blanket bond if the blanket bond protects against risks not protected against by the individual bond.

Legal References: G.S. 115C-442

Cross References:

Adopted: 13 June 2011

A. PRINCIPLES

The board strives to provide safe, orderly, and inviting schools for students and staff. The board also strives to provide other facilities needed to support the educational program. Long-range planning by the board and superintendent is essential for providing an educational environment in which students can succeed.

B. LONG-RANGE PLAN

The board will adopt a long-range plan that identifies the facility needs of the school system and sets forth a plan for how to meet these needs. The plan will address the issue of whether to renovate existing facilities or build new facilities. The plan also will incorporate, where appropriate, creative options for meeting the needs of the educational program, such as expansion or reduction through modular construction, future alternative uses of space, the availability of community facilities, the use of temporary facilities or leasing arrangements, opportunities for capital lease financing of facilities through public/private partnerships, and sharing facilities with other school systems.'

C. PROCESS

The following information will be considered in developing and adopting a long-range plan:

1. data that reflect the possibility of enrollment declines or increases as well as other demographic changes in the population of students that is or may be served;
2. a facilities inventory that includes the size of sites, building capacities, age of buildings, energy consumption, ability to utilize technology, the suitability of the space for its current or future purpose, and accessibility by the community; and
3. the availability or anticipated availability of innovations in construction or design that would allow existing buildings to be renovated or new facilities to be constructed at a lower cost, in a more energy-efficient manner or in a way that would better meet the needs of the educational program.

The superintendent may utilize the services of consultants to obtain information necessary for the long-range planning process. All professional contracts must be approved by the board. School staffs, students, and parents should be involved in considering the needs for new and renovated facilities.

The board will work with the board of county commissioners when possible in developing a five-year capital outlay plan. The board and superintendent will endeavor to communicate with

other governmental bodies and the public in a positive and persuasive manner about the need for school construction and, consequently, the need for necessary funding.

Legal References: G.S. 115C-47, -204, -276, -426.2, -521, -524, -530, -531, -532; 143-128.1C(l), -129; 153A-164

Cross References:

Adopted: 13 January 2014

The board will select future school sites in a manner consistent with facility needs as identified in the long-range plan. The board will consider options for acquiring property and buildings that are within its legal authority, are economically sound and meet immediate and future needs.

The superintendent shall assist the board in site selection. In making recommendations to the board, the superintendent should consider the following factors, along with any other factors the superintendent determines to be appropriate:

1. the size of sites needed for current or future projects;
2. the cost of acquisition and development;
3. a site's suitability for its intended uses;
4. a site's accessibility to students and the community; and
5. whether a site meets all legal requirements for school use, including environmental standards.

The superintendent shall investigate and recommend to the board reasonable options for acquiring property or buildings, such as purchasing, leasing or entering into relationships with other governmental agencies or private businesses, as permitted by law. The superintendent is authorized to select and work with consultants in identifying and assessing site options. Any contract for professional services must be reviewed by the board attorney, be approved by the board and meet any applicable legal and board policy requirements.

Legal References: G.S. 115C-47, -204, -517, -518, -521; 153A-164; 160A, art. 2, pt. 1

Cross References: Selection and Use of Architects and Engineers (policy 9110)

Adopted: 13 June 2011

The board is committed to constructing new facilities and renovating existing facilities in a manner that maximizes the use of space, conserves environmental and fiscal resources, and produces structurally sound and safe buildings. All school buildings should be designed to create safe, orderly, and inviting learning environments where students can succeed. School buildings also will be planned to the extent feasible for maximum use by the community and for providing extended services to students.

The superintendent is responsible for overseeing the design of facilities that have been identified in the long-range facility needs plan and have been approved for funding. New or renovated facilities must be designed in a way that will meet all legal requirements, including legal standards for accessibility and use of facilities by persons with disabilities. Plans also must take into consideration the facilities guidelines developed by the North Carolina Department of Public Instruction. The superintendent may utilize services of outside professionals, including architects and other consultants, in the facility design and construction. Any contract for professional services must be reviewed by the board attorney, be approved by the board, and meet the requirements of any applicable board policies. (See policy 9110, Selection and Use of Architects and Engineers.) The superintendent also should work to involve school staff, parents, and students in the design of school buildings.

Before investing any money in the construction of any new building, or when using any state money for the erection, repair, or equipping of any building, the superintendent must submit the plans to the State Board for review and comment and must review the plans based upon a consideration of the comments received.

Plans for science facilities in new middle and high schools are subject to approval by the State Board of Education in accordance with G.S. 115C-521(c1) and State Board of Education policy.

The superintendent shall report periodically to the board on the development of facility plans. The superintendent also shall report on the State Board's review of facility plans conducted pursuant to G.S. 115C-521(c) and this policy and must specifically address any concerns noted by the State Board. The board must give final approval of facility plans before any money may be spent on new buildings or renovations.

Legal References: 29 U.S.C. 794(b); 34 C.F.R. pt. 104 (subpt. C); 42 U.S.C. 12101 *et seq.*; 28 C.F.R. pt. 35 (subpt. D); G.S. 115C-204, -521; 133, arts. 1 and 3; State Board of Education Policies TCS-P-003, *North Carolina Public School Facilities Guidelines*, and TCS-P-006, *Procedures Manual: Public School Building Capital Fund*, both available at www.schoolclearinghouse.org/

Cross References: Selection and Use of Architects and Engineers (policy 9110)

Other Resources: North Carolina Department of Public Instruction School Planning Publications, available at <http://www.schoolclearinghouse.org/>

Adopted: January 12, 2015

Facility construction will be undertaken in accordance with the long-range plan adopted by the board of education and the facility design approved by the board.

Buildings should be constructed with durable materials that, when possible, permit space to be adapted to various purposes and to be adjusted to changes in technology or the educational program.

The board will not accept substandard construction. In the event of insufficient funding for a project, the board will defer implementing parts of the long-range plan.

Any repairs or renovations of school facilities should be undertaken in such a way as to minimize disruption of instructional time and the educational environment.

Legal References: G.S. 115C-521, -524

Cross References: Planning to Address Facility Needs (policy 9000), Facility Design (policy 9020)

Adopted: 13 June 2011

A. SERVICES FOR WHICH ARCHITECTS AND/OR ENGINEERS WILL BE USED

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

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

B. SELECTION PROCESS

In selecting an architect and/or engineer for facility design and related services, the superintendent shall solicit proposals and provide to the board for consideration a list of architects and/or engineers who are selected based upon the following criteria:

1. training and experience of project managers, project architects, and/or engineers and project designers, especially in school-related designs;
2. planning ability and promptness;
3. experience in specification writing, including reputation for accuracy and sufficiency of detail;
4. reputation for quality of design in appearance and utility;
5. history of thorough inspections and follow-through with jobs;
6. relationships with contractors; and
7. any other factors the board deems relevant.

The board will approve the selection of architects and/or engineers for school projects. The board will grant a North Carolina resident architectural or engineering firm a preference over a nonresident architectural or engineering firm if the home state of the

nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis, and to the same extent as the preference granted by the nonresident firm's home state. The bid documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

Fees will be negotiated with the selected architect and/or engineer. If a fair and reasonable fee cannot be agreed upon, the board will select the next best qualified architect and/or engineer and negotiate fees. The contract with the architect and/or engineer must be reviewed by the board attorney, be approved by the board, and meet all applicable laws and board policies.

The board reserves the right to exempt itself from the process provided in this policy as permitted by G.S. 143-64.32 or other applicable statutes. The superintendent may recommend an exemption for particular projects by stating in writing the reasons and circumstances giving rise to the request.

Legal References: G.S. 133, arts. 1 and 3; 143-64.31, -64.32

Cross References: Site Selection (policy 9010), Facility Design (policy 9020)

Adopted: 13 January 2014

PREQUALIFICATION OF BIDDERS FOR CONSTRUCTION PROJECTS

Policy Code:

9115

A. GENERAL

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

B. APPLICATION PROCESS

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

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

C. APPLICATION

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

The firm will be required to submit information regarding its litigation history, including litigation with owners.

- f. Capacity – Firms shall demonstrate sufficient bonding capacity, insurance, and resources for the project. Firms must provide relevant information on the personnel that will be directly responsible for the work, including the location of the office that will be primarily responsible for work. Firms shall also demonstrate an acceptable safety history for construction projects.
- g. Legal Authorization – All firms must show that they are legally authorized to conduct business in the State of North Carolina and have all required licensure for the work to be performed.

D. REVIEW OF APPLICATION – SCHOOL SYSTEM BID PROJECTS

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

E. REVIEW OF APPLICATION – CM AT RISK PROJECTS

- 1. Prequalification Committee – The construction manager and the School Prequalification Official shall agree upon the members of the construction manager’s Prequalification Committee. The superintendent or designee shall not be on the Prequalification Committee. The construction manager’s Prequalification Committee will review prequalification applications submitted by the firms and will determine the firm’s prequalification eligibility for the CM at Risk project.

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

F. APPEALS PROCEDURE

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

superintendent or designee shall notify the construction manager of its recommended decision. The construction manager shall review the recommended decision and issue a final decision to the school system and firm. In the event the construction manager rejects a recommendation from the superintendent or designee to prequalify the firm, the construction manager shall provide a written explanation of the denial to both the superintendent or designee and the firm.

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

Legal References: G.S. 143-128.1 and 135.8

Cross References:

Adopted: January 12, 2015

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

A. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS

All contracts formally or informally bid will be awarded to the lowest responsible bidder, taking into consideration quality, performance, reliability and the time specified in the bids for performance of the contract. To be eligible for an award of a contract subject to G.S. 143-129, the contractor and its subcontractors, if any, must demonstrate compliance with all applicable provisions of G.S. Chapter 64, Article 2, including the responsibility to use E-Verify. Prior to bidding, contractors may be required to prequalify if the board has elected to use this process.

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

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

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

B. BIDDING METHODS

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

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

C. FORMAL BIDDING

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

D. INFORMAL BIDDING

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

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

E. APPROVAL

All formally bid construction contracts must be reviewed by the board attorney and submitted by the superintendent to the board for approval.

The superintendent shall consult with the board attorney in developing standard form contracts for informally bid construction projects. Board approval of informally bid projects is not required, unless otherwise directed by the board on specific projects.

F. RECORDS AND REPORTING REQUIREMENTS

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

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

G. DISPUTE RESOLUTION PROCESS

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

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

Legal References: G.S. 115C-521, -522; 143-64.31 and -128 to -135

Cross References: Prequalification of Bidders for Construction Projects, (policy 9115), Participation by Women- and Minority-Owned Businesses (policy 9125)

Adopted: January 12, 2015

PARTICIPATION BY MINORITY BUSINESSES

Policy Code:

9125

The Whiteville City Board of Education affirms the State's commitment to encouraging the participation of minority businesses in the school system's construction contracts. For the purposes of this policy, "minority business" is defined in accordance with G.S. 143-128.2(g).

A. VERIFIABLE GOALS

After notice and public hearing, the board has adopted the following verifiable percentage goals for participation in the school system's contracts by minority businesses:

1. Projects in which the cost exceeds \$100,000 and the board has received state appropriations or grants for the project:

10 percent participation by minority businesses in the total value of work for each building project involving erection, construction, alteration or repair.

2. Projects in which the cost exceeds \$300,000:

10 percent participation by minority businesses in the total value of work for each building project involving erection, construction, alteration or repair.

3. Projects in which the costs are at least \$30,000 but do not exceed \$300,000:

10 percent participation by minority businesses in the total value of work for each building project involving erection, construction, alteration or repair.

Except as otherwise required for the projects listed above, as part of the informal bidding process set forth in G.S. 143-131, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation. The board also will comply with any reporting and documentation requirements of the Department of Administration, Office for Historically Underutilized Business.

B. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board adopts the following guidelines to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. The superintendent will:

1. make information about the school system's formal and informal bidding process readily available;

2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects to include education, recruitment, and interaction between minority businesses and nonminority businesses;
3. advertise for bids in media that reach minority businesses and provide notice to minority businesses as provided in G.S. 143-128.2;
4. ensure that everyone who requests it has access to building documents needed for making bids on projects;
5. encourage businesses experiencing difficulty in meeting the bonding, licensing and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state and federal agencies; and
6. encourage contractors to attend the scheduled pre-bid conference.

C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

All bidders on major school construction and renovation projects who intend to subcontract any part of the project must provide affidavits or documentation indicating that a good faith effort has been made in preparing the bid to meet the board of education's verifiable goal for participation by minority businesses.

The failure to make a good faith effort to meet the board's goal may result in the bid being considered non-responsive and being rejected.

The superintendent shall establish administrative procedures to verify which businesses are qualified and to evaluate good faith efforts by bidders.

D. NONDISCRIMINATION

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

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131

Cross References:

Adopted: 13 June 2011

SUPERVISION OF CONSTRUCTION CONTRACTS

Policy Code:

9130

The superintendent is responsible for monitoring the contracts with the architect and all contractors to protect the interests of the board, provide for the establishment and maintenance of quality control, and to ensure compliance with applicable laws and regulations. The superintendent or designee shall report periodically to the board on the progress being made by the contractors and architects, including whether the work is being performed in accordance with plans, specifications, contracts and specified deadlines.

The architect shall advise the board through the superintendent when a construction project is substantially complete. The board shall inspect the project in accordance with the contract for each contractor and shall make payment upon completion and acceptance by the board, as certified by the architect.

The superintendent may utilize consultants for performing the review required by this policy. Any contract for such services must be approved by the board and the cost included in the budget for the project.

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

Cross References:

Adopted: 13 June 2011

The board strives to maintain facilities in good condition in order to:

1. continue to provide a safe, orderly and inviting educational environment;
2. protect financial investments in the facility;
3. reduce the need for major repair; and
4. facilitate the conservation of energy resources.

All staff, students and visitors to the school are expected to use reasonable care to prevent property damage. The principal and teachers are to instruct students in the proper care of public property. Anyone who willfully or carelessly damages school property may be held financially liable, as provided by law, including G.S. 115C-523.

Each principal or building supervisor is responsible for maintaining his or her building in a clean and orderly condition. Principals must inspect their school buildings, grounds and equipment under their supervision for health, fire and safety hazards on a regular basis and as required by law. Any staff members who observe any potential hazards shall immediately notify their principal. Principals shall immediately notify the superintendent of repairs needed in order to meet safety and sanitation standards. Proper signs indicating potential danger must be posted.

The maintenance department shall make reasonable efforts to maintain the facilities in good condition and to make needed repairs. All school personnel shall cooperate fully with staff of other departments or agencies who, in the performance of their duties, conduct safety or health inspections of a building belonging to the Whiteville City Schools. The superintendent shall ensure that all necessary inspections are conducted, appropriate reports filed, and corrective actions are implemented to comply with the requirements of such authorities.

The board directs the superintendent to make a continuing effort to establish practical standards and procedures for energy conservation. The superintendent shall ensure that adequate heating and lighting is used as judiciously as practicable while still ensuring the safety of students, employees and visitors.

The superintendent is directed to ensure that facilities are evaluated and inspected in accordance with the facilities inventory as provided in board policy 9000, Planning to Address Facility Needs.

Legal References: G.S. 1-538.1; 115C-40, -47, -276(c), -288(f), -307(h), -523, -524

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000)

Adopted: 13 June 2011

Pests are significant problems for people and property. The pesticides that are commonly used in pest control may pose a potential risk to human health and the environment. The board is committed to maintaining a safe educational environment while also protecting the physical conditions of school facilities. To this end, the board will utilize Integrated Pest Management (IPM) programs or incorporate IPM procedures into the maintenance program conducted by the school system. The superintendent will appoint an IPM contact person to facilitate the use of IPM techniques. As necessary, the superintendent will develop administrative procedures for the IPM program.

A. OVERVIEW OF INTEGRATED PEST MANAGEMENT

IPM is a comprehensive approach that combines effective, economic, environmentally sound and socially acceptable methods to prevent and solve pest problems. IPM emphasizes pest prevention and provides a decision-making process for determining if, when and where pest suppression is needed and what control tactics are appropriate.

The school system's IPM program will strive to do the following:

1. Minimize any potential health, environmental and economic risks from pests or from the use of pest control methods;
2. Minimize loss or damage to school structures or property from pests or from the use of pest control methods;
3. Minimize the risk of pests spreading into the community; and
4. Enhance the quality of facility use for the school and community.

Pesticides will not be used based *solely* on a schedule. School personnel in charge of pest management will consider how and when pesticides need to be used to achieve the pest management goals.

B. USE OF IPM IN FACILITY AND MAINTENANCE OPERATIONS

The school system shall include pest management considerations in facilities planning and maintenance. The IPM contact person, in conjunction with the school system's contracted pest management professional, will recommend to the superintendent any landscaping changes, structural modifications and sanitation changes needed to reduce or prevent pest problems. The superintendent will review such recommendations and may authorize action to address necessary minor changes in a timely manner, as the budget permits. For significant changes or changes that require a significant expenditure of funds, the superintendent will recommend changes to the board for approval.

C. PROVIDING INFORMATION ON IPM TO THE SCHOOL COMMUNITY

Staff, students, pest managers, parents and the public will be informed about potential school pest problems, school IPM policies and procedures, and their respective roles in achieving the desired pest management objectives. Each year, the principal or designee will ensure that the student handbook includes the schedule of anticipated pesticide use on school property and a notice to parents of their right to request notification of nonscheduled pesticide use. The superintendent or designee shall also establish a method of annual notification to school staff members of scheduled pesticide use on school property and their right to elect notice of nonscheduled pesticide use. Notice of nonscheduled pesticide use should be made at least 72 hours in advance, to the extent possible.

D. RECORDKEEPING

Records of all pest management activities must be maintained, including inspection records, monitoring records, pest surveillance data sheets or other indicators of pest populations, and a record of structural repairs and modifications. If pesticides are used, records must be maintained on site to meet the requirements of the state regulatory agency and school board.

Legal References: G.S. 115C-12(34)(d) and (e), -36, and -47(47)

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000), Care and Maintenance of Facilities (policy 9200)

Adopted: 13 June 2011

CARE AND MAINTENANCE OF GROUNDS AND OUTDOOR EQUIPMENT

Policy Code:

9210

The board strives to make the physical grounds at each school campus part of a safe, orderly and inviting educational environment. To further this goal, the principal shall seek opportunities to involve employees, parents and students at that school in the decisions related to the school grounds and shall make reasonable efforts to maintain the grounds and outdoor equipment in a manner consistent with board goals.

The board recognizes that chromated copper arsenate-treated wood (“arsenate-treated wood”) has been found to pose health hazards to students and has been removed from the marketplace for residential uses. Thus, the board prohibits the purchase or acceptance of arsenate-treated wood for future use on school grounds. To the extent possible, the principal or designee shall ensure that existing arsenate-treated wood in playground equipment is sealed.

The principal shall inspect playgrounds and outdoor equipment for other health and safety hazards on a regular basis and as required by law and post warnings of any hazards as necessary to alert the public, staff and students of those hazards. The principal shall notify the superintendent immediately of repairs needed to meet safety standards.

Legal References: G.S. 115C-12(34)(a), -36, -47, -524

Cross References: Student Safety (policy 1510/4200/7270)

Adopted: 13 June 2011

Security of school system facilities is an important part of maintaining a safe learning environment for students and staff and for protecting the investments of the school system. The superintendent or designee shall develop and implement programs or procedures as necessary to meet, at a minimum, the following board requirements for security of facilities.

1. All school system buildings must use a security control system that limits access to keys or other building entry devices to authorized personnel and safeguards against unauthorized individuals gaining entry to buildings.
2. The superintendent is responsible for determining the need for and responsibilities of security personnel and shall make recommendations as appropriate to the board for funding security personnel positions or contracts.
3. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the School Risk Management Plan and 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 must 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.
4. Principals shall make reasonable efforts to secure buildings and other valuable property on school grounds when the school is closed or vacated.
5. Teachers are to make reasonable efforts to secure their assigned classrooms or other designated spaces when the school is closed or vacated or when their classrooms or other designated spaces are not in use.
6. Principals are encouraged to involve teachers, other school staff, parents, students, and law enforcement in identifying the security needs of the school.
7. Principals shall implement programs or make recommendations to the superintendent and board as appropriate to address the security needs of the school.

Other board policies regarding the maintenance of facilities, safety, and visitors to the school also are important to maintaining the security of the school environment. All professional employees and other employees with job duties related to the security of the facilities are responsible for being familiar with these policies and carrying out duties specified by board

policies or the superintendent or designee.

Legal References: G.S. 115C-105.53, -105.54, 276(c), -288(f), -307(h), -523, -524

Cross References: School Safety (policy 1510/4200/7270), Visitors to the Schools (policy 5020), Relationship with Law Enforcement (policy 5120), Use of Equipment, Materials, and Supplies (policy 6520), Vandalism (policy 6550), Care and Maintenance of Facilities (policy 9200)

Adopted: January 12, 2015

The board considers naming facilities to be a significant endeavor since the name of a facility can reflect upon the students, staff, school system and community.

The superintendent shall involve the staff and students assigned to the facility and the students' parents in the process of identifying possible names for a new school facility or facility being renamed. The superintendent shall consider the following criteria as well as other factors the superintendent determines to be relevant in identifying potential names for the facility.

1. The name should not be so similar to the names of existing facilities as to cause confusion.
2. The name should include a designation of the type of school, such as elementary, middle or high, or a brief description of a specialized kind of school.
3. The name may be in honor or memory of an individual who has helped students in this school system succeed through financial contributions or educational leadership.
4. The name may be that of an educational leader of prominence and reputation beyond the school system; however, priority will be given to the names of educational leaders who have directly or indirectly helped students in this school system to succeed.
5. The name may specify the geographic locality of the school.

The superintendent shall submit a recommended name or limited list of recommended names to the board for approval.

The board may recognize the efforts and public service of key individuals in providing new and/or improved facilities through the installation of plaques or as otherwise deemed appropriate by the board.

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

Cross References:

Adopted: 13 June 2011

SALE, DISPOSAL AND LEASE OF BOARD-OWNED REAL PROPERTY

Policy Code:

9400

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

Any sale or disposal of real property, including school buildings, will be conducted in accordance with statutory requirements. The superintendent should secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration, except that the board will afford the board of county commissioners the first opportunity to obtain any real property at the fair market price or a price negotiated between the two boards.

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

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

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

Adopted: 12 February 2013