



DARE COUNTY SCHOOLS

DARE COUNTY BOARD OF EDUCATION MEETING AGENDA

MONDAY, MAY 8, 2023 / 5:00 PM

**LOCATION: DARE COUNTY ADMINISTRATION BUILDING
954 MARSHALL C. COLLINS DR., MANTEO, NC 27954**

Type of Meeting

Regular	<u> x </u>
Special	<u> </u>
Emergency	<u> </u>
Adjourned	<u> </u>
Recessed	<u> </u>

Members in Attendance

Ron Payne, Chairman	<u> </u>
Barry Wickre, Vice-Chairman	<u> </u>
Mary Ellon Ballance	<u> </u>
Susan Bothwell	<u> </u>
Matt Brauer	<u> </u>
David Twiddy	<u> </u>
Carl Woody	<u> </u>

- I. Meeting Called to Order – Board Chairman
- II. Moment of Silence – Board Chairman
- III. Welcome/Pledge – Matt Brauer
- IV. Approval of Agenda
- V. Public Comment
- VI. Announcements
- VII. Approval of Consent Agenda (Attachment #1)
 - A. Personnel Consent Agenda
 - B. Minutes
 - April 17, 2023, Special Meeting
 - April 17, 2023, Regular Meeting
 - April 25, 2023, Budget Workshop
 - C. Finance
 - Budget Amendment

D. Other

- Board Meeting Schedule for School Year 2023-2024
- Government and Education Access Channel Budget for 2023-2024
- Student Release for School Year 2023-2024

VIII. Reports / Items for Information

IX. Unfinished Business

A. Second Reading of Proposed Policy Manual Updates – Rachel Hitch (Attachment #2)

- Revised Policy 2120: Code of Ethics for School Board Members
- Revised Policy 2121: Board Member Conflict of Interest
- Revised Policy 2123: Board Member Opportunities for Development
- Revised Policy 6455: Bids and Quotations
- NEW Policy 6402/9100: Ethics and the Purchasing Function
- NEW Policy 6128: Administration of Naloxone

B. Approval of the Dare County Schools Proposed Budget for 2023-2024
– Steve Basnight, Emily Santora (Attachment #3)

X. New Business

A. First Reading of Proposed Policy Manual Updates – Rachel Hitch (Attachment #4)

- Revised Policy 2340: Board Meeting Procedures
- Revised Policy 7730: Employee Conflict of Interest
- Revised Policy 8304: Federal Grant Administration
- Revised Regulation 8304-R: Federal Grant Administration - Procurement Procedures
- NEW Policy 8300: Fiscal Management Standards
- Revised Policy 8310: Annual Independent Audit

XI. Board Member Comments

XII. Adjourn

MAY 8, 2023 CONSENT AGENDA

A. Personnel

Recommend the Board approve the personnel consent agenda as presented.

B. Minutes

Recommend the Board approve the Board meeting minutes for the following dates:

- April 17, 2023, Special Meeting
- April 17, 2023, Regular Meeting
- April 25, 2023, Budget Workshop

C. Finance

Recommend the Board adopt the budget amendment as presented.

D. Other

Recommend the Board approve the Board Meeting Schedule for 2023-2024 as presented.

Recommend the Board approve the Government and Education Access Channel Budget for 2023-2024 as presented.

Recommend the Board approve the release of Anthony Jose Gonzalez from Dare County Schools for the 2023-2024 School Year to attend Tyrrell County Schools as requested.

DARE COUNTY BOARD OF EDUCATION

April 17, 2023

The Dare County Board of Education met in **special session** on Monday, April 17, 2023, at the Dare County Board of Commissioners Meeting Room in Manteo, NC. Members in attendance were Board Chairman Ron Payne, Vice-Chairman Barry Wickre, Susan Bothwell, Matt Brauer, David Twiddy, and Carl Woody. Mary Ellon Ballance was unable to attend.

Chairman Payne called the meeting to order at 4:00 p.m. and welcomed everyone to the meeting. He then requested a motion to approve the agenda. Carl Woody made a motion that the Board approve the agenda as requested. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board.

Next, Matt Brauer made a motion that the Board go into closed session to consult with the Board of Education attorney and preserve the attorney-client privilege as provided in N.C.G.S. 143-318.11(a)(3); to consider confidential personnel matters as provided in N.C.G.S. 143-318.11(a)(6); to prevent the disclosure of confidential information as provided in N.C.G.S. 143-318.11(a)(1); and to consider confidential student matters as provided in N.C.G.S. 143-318.11(a)(1) and the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99). The motion was seconded by Carl Woody and approved 6 to 0 by the Board. The Board went into closed session at 4:01 p.m. and returned to open session at 4:58 p.m.

No action was taken following closed session, and with there being no further business, the meeting was adjourned at 4:59 p.m.

Ron C. Payne, Board Chairman

Steve Basnight, Secretary

The Dare County Board of Education met in **regular session** on Monday, April 17, 2023, at the Dare County Board of Commissioners Meeting Room in Manteo, NC. Members in attendance were Board Chairman Ron Payne, Vice-Chairman Barry Wickre, Susan Bothwell, Matt Brauer, David Twiddy, and Carl Woody. Mary Ellon Ballance was unable to attend.

Chairman Payne called the meeting to order at 5:00 p.m. and welcomed everyone to the meeting. He then requested a moment of silence and led the Board in the Pledge of Allegiance.

Next, Chairman Payne requested a motion to amend the agenda for the following reasons. Barry Wickre moved that the Board amend the agenda as requested. The motion was seconded by Carl Woody and approved 6 to 0 by the Board.

- Revise the Personnel Consent Agenda under Agenda Item VII.A;
- Add an Individual Class Size Waiver Request for First Flight Elementary School to the Consent Agenda under Agenda Item VII.D;
- Move agenda Item X.D – Student School Board Member Proposal from First Reading to Reports/Items for Information and renumber the agenda item as Item VIII.A;
- Add a new agenda item, VIII.B – Draft Budget Presentation under Reports and Items for Information; and
- Add a new agenda item, X.D – Proposed Contract for Replacement of Air Handling Units at Cape Hatteras Secondary School under New Business.

Susan Bothwell then made a motion that the Board approve the amended agenda. The motion was seconded by Carl Woody and approved 6 to 0 by the Board.

During *Public Comment*, Marion Midgett presented the Board with a complimentary copy of the League of Women Voters' *2023 Citizens Guide*. The Board also heard comments from the following individuals: Jennie Thomas and Melissa Trotter in regards to funding for Odyssey of the Mind; and George Lurie on behalf of the Jewish Leaders of the Outer Banks (JCOB). No action was required by the Board. A complete recording of all comments can be heard online at <https://www.daretolearn.org/board-of-education/board-meetings> under the April 17, 2023, Board of Education Meeting.

There were no announcements made during the *Announcements* portion of the meeting.

Carl Woody made a motion that the Board approve the following *Consent Agenda*. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board.

Personnel

Recommend the Board approve the personnel consent agenda as presented.

Minutes

Recommend the Board approve the Board meeting minutes for the following dates:

- March 13, 2023, Special Meeting
- March 13, 2023, Regular Meeting
- March 27, 2023, Board Retreat

Finance

Recommend the Board adopt the budget amendments as presented.

Other

Recommend the Board formally approve the release of Anthony Jose Gonzalez from Dare County Schools for the remainder of the 2022-2023 School Year to attend Tyrrell County Schools as requested.

Recommend the Board approve the Individual Class Size Waiver Request for First Flight Elementary School as requested.

Under *Reports and Items for Information*, Director of Secondary Instruction Denise Fallon presented a proposal to the Board about the possibility of having students serve on the board as student school board members. No action was required. The information was presented for possible consideration in the future.

Next, Superintendent Basnight provided a general overview of the proposed budget for 2023-2024 and shared highlights of the budget process. Following the presentation, copies of the proposed budget was distributed to the Board for their review prior to the budget workshop on Tuesday, April 25, 2023.

Following the reports, Chairman Payne opened the floor for *Unfinished Business*. There was no business discussed during that time so the Board moved on to *New Business*, and Chairman Payne turned the meeting over to Board Attorney Brian Shaw.

Mr. Shaw presented the first reading of the following policy manual updates for the Board's consideration. No action was taken by the Board. The updates will be presented for second reading and approval at the next regular board meeting.

- Revised Policy 2120: Code of Ethics for School Board Members
- Revised Policy 2121: Board Member Conflict of Interest
- Revised Policy 2123: Board Member Opportunities for Development
- Revised Policy 6455: Bids and Quotations
- NEW Policy 6402/9100: Ethics and the Purchasing Function
- NEW Policy 6128: Administration of Naloxone

Next, Director of Facilities Ian Adams presented a request to change the location of the softball field house at Manteo High School. Carl Woody made a motion that the Board approve the change in location as requested. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board.

Mr. Adams also presented the proposed Capital Improvement Plan for 2023-2024 to 2027-2028 to the Board for their consideration. Susan Bothwell made a motion that the Board approve the Dare County Schools Capital Improvement Plan for 2023-2024 to 2027-2028 as presented. The motion was seconded by Carl Woody and approved 6 to 0 by the Board.

Next, Mr. Adams presented a proposed contract with Southeastern Mechanical, Inc. in the amount of Four Hundred Fifty-Eight Thousand, Six Hundred Forty-Nine Dollars (\$458,649) to replace two air handling units at Cape Hatteras Secondary School. Carl Woody made a motion that the Board approve the contract with Southeastern Mechanical, Inc. and authorize staff to finalize contract documents and issue a Notice to Proceed to the contractor as soon as possible. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board.

For the final item under New Business, Superintendent Basnight informed the Board that the Facilities Naming Team had received a request from members of the community to name the Manteo High School soccer field in honor of Mr. Frank Vrablic for his many accomplishments while serving as a coach at Manteo High School. Mr. Basnight said the team would like to honor the request, but noted that Board Policy 9300 prohibits the naming of facilities after active staff members, coaches, board of education members or volunteers, which makes Mr. Vrablic is ineligible at this time since he is currently serving as a substitute teacher for Dare County Schools.

However, in the meanwhile and until Mr. Vrablic becomes eligible, Mr. Basnight said the team would like Board-approval to erect a plaque in the area of the Manteo High School soccer field that honors the accomplishments of Coach Frank Vrablic's soccer teams and approve a request to revisit the naming of the soccer field after Mr. Vrablic when he becomes eligible.

Carl Woody moved that the Board approve the Facilities Naming Team's request to erect a plaque in the area of the soccer field that honors the accomplishments of Coach Frank Vrablic's soccer teams as requested and approve the request to revisit the facilities naming request at such time as Coach Vrablic becomes eligible. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board.

Following *New Business*, Chairman Payne opened the floor for comments from the Board. No action was required.

With there being no further business, Carl Woody made a motion to adjourn the meeting. The motion was seconded by Barry Wickre and approved 6 to 0 by the Board. The meeting was adjourned at 6:04 p.m.



DARE COUNTY SCHOOLS

PERSONNEL CONSENT AGENDA AMENDED 4.17.23

Inform the Board of the following RETIREMENT resignations:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Linda Jernigan	Teacher	KHES	7/1/23
Angela Gard	Teacher	FFHS	5/1/23
Teresa Edwards	Teacher	MMS	7/1/23
Kimberly Creel	Teacher	MES	7/1/23

Inform the Board of the following RESIGNATIONS:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Tracey Simpkins	Child Nutrition	MHS	3/10/23
Sabrina Ramirez	Teacher	MES	6/14/23
Diana Morrison	Counselor	MMS	4/27/23
LeRoy Hook	TA	FFHS	4/11/23
Justene Gallin	EC TA	FFMS	3/16/23
Julie Ennis	Teacher	FFHS	6/14/23
Katheryn Cooper	Teacher	FFHS	6/12/23

Inform the Board of the following LEAVE of ABSENCE:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Maria Aponte	Teacher	CHES	3/15/23-3/29/23

Inform the Board of the following INTERNAL TRANSFERS:

<u>Name</u>	<u>From</u>	<u>To</u>	<u>Effective Date</u>
Lisa Scott	Sub Monitor	Permanent Bus Monitor	4/1/2023
Sharon Keeton	Bus Driver	Sub Bus Monitor	4/1/2023
Jamie Boggio	EC TA / FFES	Kinder TA / FFES	4/3/2023
Amber Wilkerson	Teacher Assistant / NHES	Data Manager / NHES	4/24/2023
Leroy Hook	Teacher Assistant / FFHS	DCS Substitute	4/14/2023
Austin Brinson	PT Custodian & ASEP CHES	FT Custodian CHES	3/20/2023
Jane Allen	Custodian CHSS	Head Custodian/ CHES	3/28/2023
Mirian Barrera Membreno	PT SNA / MES	FT Custodian / MES	4/17/2023
Sherri Lockamy	EC TA / FFES	EC Teacher / KHES	8/16/2023
Laura Barker	School Treasurer / FFMS	Accounting Tech / CO	5/1/2023

Recommend the Board approve the following personnel for EMPLOYMENT for the 2022-23 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>	
Kellie Jones	Data Manager	NHES	3/27/23	declined
Angela Mattison	Custodian	FFHS	3/27/23	declined/took other offer
Laura Shaw	Media Coordinator	NHES	3/27/2023	
Dawn Henley	PT Custodian	KHES	3/24/2023	
Robyn Sawyer	EC TA	FFES	4/17/2023	
Amy Dail	EC TA	FFHS	4/24/2023	
Micah Oullette	Long Term Substitute Teacher	FFHS	4/17/2023	

Recommend the Board approve the following personnel for EMPLOYMENT for the 2023-24 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Effective Date</u>
Hilliary Candler	English Teacher	MHS	8/16/2023
Murray "Joe" Tynch	Aviation Instructor	FFHS	8/16/2023

Recommend the Board approve the following SUBSTITUTE TEACHERS for the 2022-23 school year:

<u>Name</u>	<u>Name</u>	<u>Name</u>
Catherine Foley	Katherine Calletano	Bonista Hurdle

Recommend the Board approve the following SUBSTITUTE BUS DRIVERS/MONITORS for the 2022-23 school year:

<u>Name</u>
Amanda White

Recommend the Board approve the following COACHES for the 2022-23 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Season</u>
Nikolas Sitterly	Varsity Assistant Baseball	CHSS	Spring

Recommend the Board approve the following COACHES for the 2023-24 school year:

<u>Name</u>	<u>Position</u>	<u>Location</u>	<u>Season</u>
Kristen Dalton	Assit Varsity Girls Basketball	MHS	Winter
Heather Sulkowski	Head Varsity Girls Basketball	MHS	Winter

Dare County Schools

BUDGET AMENDMENT - 2022-2023

The Dare County Board of Education, at a meeting on the 17th day of April 2023, passed the following resolution.

Be It Resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2023.

Purpose	Description	3/13/2023 Budget Resolution	Budget Amendment	4/17/2023 Amended Budget
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STATE EXPENDITURES

5000	Instructional Services	34,029,898.00	546,899.00	34,576,797.00
6000	System Wide Support Services	3,498,573.00	34,563.00	3,533,136.00
7000	Ancillary Services	2,000.00	0.00	2,000.00
8000	Non-Programmed Charges	46,883.00	0.00	46,883.00
TOTAL		37,577,354.00	581,462.00	38,158,816.00

STATE REVENUES

	State Funds	37,577,354.00	581,462.00	38,158,816.00
TOTAL		37,577,354.00	581,462.00	38,158,816.00

Explanation: To adjust State budgets to reflect revised allotments: additional funding for the following programs PRC 016 (Summer Reading Camp \$63,633), PRC 056 (Transportation \$34,563), PRC 071 (Supplemental Funds for Teachers \$486,628) and a minor decrease to PRC 003 (Non-instructional Support -\$3,362). Total increase to state revenues (net of the above adjustments) is \$581,462.

Requested by: Emily Santora	Date: 4/17/2023
Recommended by: Steve Basnight	Budget Amendment #: BA-16 (State)
Approved by:  Chairman, Board of Education	 Superintendent, Board of Education

Dare County Schools

BUDGET AMENDMENT - 2022-2023

The Dare County Board of Education, at a meeting on the 17th day of April 2023, passed the following resolution.

Be It Resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2023.

Purpose	Description	02/13/2023 Budget Resolution	Budget Amendment	4/17/2023 Amended Budget
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FEDERAL EXPENDITURES

5000	Instructional Services	7,984,408.42	49,880.00	8,034,288.42
6000	System Wide Support Services	8,777.29	0.00	8,777.29
7000	Ancillary Services	909.72	98,059.94	98,969.66
8000	Non-Programmed Charges	598,795.25	0.00	598,795.25
TOTAL		8,592,890.68	147,939.94	8,740,830.62

FEDERAL REVENUES

	Federal Funds	8,592,890.68	147,939.94	8,740,830.62
TOTAL		8,592,890.68	147,939.94	8,740,830.62

Explanation: To appropriate funds for federal grants received PRC 053 (School Nutrition Equipment - \$98,059.94), PRC 196 (Stem Pilot Program - \$29,880) and PRC 204 (School Psychologist Grant - \$20,000)

Requested by: <u>Emily Santora</u>	Date: <u>4/17/2023</u>
Recommended by: <u>Steve Basnight</u>	Budget Amendment #: BA-17 (Federal)
Approved by: <u></u>	<u></u>
Chairman, Board of Education	Superintendent, Board of Education

Dare County Schools

BUDGET AMENDMENT - 2022-2023

The Dare County Board of Education, at a meeting on the 17th day of April 2023, passed the following resolution.

Be It Resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2023.

Purpose	Description	03/13/2023 Budget Resolution	Budget Amendment	4/17/2023 Amended Budget
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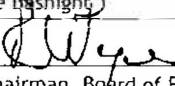
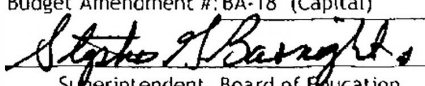
CAPITAL OUTLAY EXPENDITURES

5000	Instructional Services	599,383.00		599,383.00
6000	System Wide Support Services	3,834,243.00	142,550.00	3,976,793.00
7000	Ancillary Services	57,034.00		57,034.00
9000	Capital Outlay	50,262.00		50,262.00
TOTAL		4,540,922.00	142,550.00	4,683,472.00

CAPITAL OUTLAY REVENUES

	State Funds - Replacement Bus	0.00	142,550.00	142,550.00
	Local Funds	4,314,114.00	0.00	4,314,114.00
	Fund Balance Appropriated	226,808.00	0.00	226,808.00
TOTAL		4,540,922.00	142,550.00	4,683,472.00

Explanation: To appropriate state funding for the replacement of a yellow bus.

Requested by: Emily Santora	Date: 4/17/2023
Recommended by: Steve Basnight	Budget Amendment #: BA-18 (Capital)
Approved by: 	
Chairman, Board of Education	Superintendent, Board of Education

DARE COUNTY BOARD OF EDUCATION

April 25, 2023

The Dare County Board of Education held a budget workshop on Tuesday, April 25, 2023, at the Dare County Schools Administrative Office in Nags Head, NC. Members in attendance were Board Chairman Ron Payne, Vice-Chairman Barry Wickre, Mary Ellon Ballance, Susan Bothwell, Matt Brauer, and David Twiddy. Carl Woody was unable to attend.

Chairman Payne called the meeting to order at 1:02 p.m. and requested a motion to approve the agenda. Mary Ellon Ballance moved that the Board approve the agenda as requested. The motion was seconded by Matt Brauer and approved 6 to 0 by the Board.

Chairman Payne then turned the meeting over to Mrs. Anna McGinnis to present the proposed budget for School Year 2023-2024.

Mrs. Ginnis began by reviewing the layout of the budget document and by providing an overview of the budget process. She then reviewed projections for the upcoming school year and discussed components of the school funding formula.

Following the presentation, Mrs. McGinnis opened the floor for questions from the Board. No action was required. The proposed budget will be presented for second reading and approval at the May 8, 2023, Board Meeting.

With there being no further business, Barry Wickre made a motion to adjourn the meeting. The motion was seconded by Mary Ellon Ballance and approved 6 to 0 by the Board. The meeting was adjourned at 1:44 p.m.

Ron C. Payne, Board Chairman

Steve Basnight, Secretary

DATE: May 8, 2023

KEY ADMINISTRATOR: Emily Santora, Interim Director of Finance

AGENDA ITEM: Finance – Budget Amendment

BACKGROUND INFORMATION:

Attached for your consideration is the following budget amendment:

State Public School Fund – This amendment transfers funds between 5000 level purpose codes to 6000 level purpose codes in PRCs 024 – Disadvantaged Student Funding and PRC 032 – Exceptional Children to reflect anticipated expenditures through year-end. It also recognizes the conversion of CTE months of employment to CTE program support as approved by DPI resulting in an increase of \$158,711 to total revenue and expenditures in Fund 1.

RECOMMENDATION:

The superintendent recommends that the Board adopt the budget amendment as presented.

Dare County Schools

BUDGET AMENDMENT - 2022-2023

The Dare County Board of Education, at a meeting on the 8th day of May 2023, passed the following resolution.

Be It Resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2023.

Purpose	Description	4/17/2023 Budget Resolution	Budget Amendment	5/08/2023 Amended Budget
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STATE EXPENDITURES

5000	Instructional Services	34,576,797.00	-45,000.00	34,531,797.00
6000	System Wide Support Services	3,533,136.00	203,711.00	3,736,847.00
7000	Ancillary Services	2,000.00	0.00	2,000.00
8000	Non-Programmed Charges	46,883.00	0.00	46,883.00
TOTAL		38,158,816.00	158,711.00	38,317,527.00

STATE REVENUES

	State Funds	38,158,816.00	158,711.00	38,317,527.00
TOTAL		38,158,816.00	158,711.00	38,317,527.00

Explanation: Funds are being transferred between 5000 level purpose codes to 6000 level purpose codes in PRCs 024 Disadvantaged Student Funding and PRC 032 Exceptional Children to reflect anticipated expenditures through year-end. This amendment also recognizes the transfer approved by DPI to convert unused CTE months of employment to CTE program support. This adjustment increases state funding by \$158,711.

Requested by: <u>Emily Santora</u>	Date: <u>5/8/2023</u>
Recommended by: <u>Steve Basnight</u>	Budget Amendment #: <u>BA-19 (State)</u>
Approved by: _____ Chairman, Board of Education	_____ Superintendent, Board of Education



DARE COUNTY SCHOOLS

Board of Education Meeting Schedule 2023-2024

<u>Date</u>	<u>Time</u>	<u>Location of Meeting</u>
August 14, 2023	5:00 p.m.	Board of Commissioners Meeting Room
September 18, 2023 *	5:00 p.m.	Board of Commissioners Meeting Room
October 9, 2023	5:00 p.m.	Board of Commissioners Meeting Room
November 20, 2023 *	5:00 p.m.	Board of Commissioners Meeting Room
December 11, 2023	5:00 p.m.	Board of Commissioners Meeting Room
January 8, 2024	5:00 p.m.	Board of Commissioners Meeting Room
February 12, 2024	5:00 p.m.	Board of Commissioners Meeting Room
March 11, 2024	5:00 p.m.	Board of Commissioners Meeting Room
April 15, 2024 *	5:00 p.m.	Board of Commissioners Meeting Room
May 13, 2024	5:00 p.m.	Board of Commissioners Meeting Room
June 10, 2024	5:00 p.m.	Board of Commissioners Meeting Room

The Board of Education will hold its regular meeting on the second Monday of each month, unless noted otherwise. Locations and times of special meetings or workshops will be announced in accordance with General Statutes of North Carolina and the Dare County Board of Education Rules and Procedures for Meetings. Regular meetings may be canceled for justifiable reasons.

*** Third Monday**

Government Education Access Channels Committee
2023-2024 Proposed Budget

The following items are presented to the _____ for their review and approval.

Specific Action Requested:

Approve the proposed 2023-2024 Budget

Budget Summary

The Government Education Access Channels (GEAC) Committee has reviewed and approved the proposed 2023-2024 budget for the operation of the Government and Education Channels. The proposed budget, which would take effect July 1, 2023, must be approved by every participating member entity of the Channels, which includes the towns of Duck, Southern Shores, Kitty Hawk, Kill Devil Hills, Nags Head, Manteo, and Dare County, Dare County Schools, College of The Albemarle, and UNC Coastal Studies Institute.

The budget as proposed requires no additional funding from the participating entities above the current annual \$1000 membership fee. The budget is funded primarily from the North Carolina Video Distribution proceeds, which are disbursed quarterly by the State to certified channels throughout the state. These funds must be used for the operations of the two channels and no other purpose. Additionally, the legislation that originally established the Video Distribution funding required that the proceeds not supplant current funding. Accordingly, the annual \$1000 membership fee that was in place when the program began must remain, or the Channels would lose all Video Distribution funding from the State.

The GEAC committee recommends the attached budget, which includes, in part, the following: continued funding for two full-time staff positions and the Local Programming Development Initiative to assist members in the development of programming for the Government and Education Channels. The funding also includes the continued funding of two regular news magazine shows that highlight each of the participating members on the Education Channel and the Government Channel.

	CURRENT 2022-2023	PROPOSED 2023-2024
INCOME		
NC PEG Supplemental Video Disbursement (from the state NCDOR) ¹	255,000.00	247,000.00
Member Fees (annual fee paid by participating entities) ²	10,000.00	10,000.00
Interest Income (interest from fund balance)	1,000.00	5,000.00
TOTAL INCOME	266,000.00	262,000
APPROPRIATED FUND BALANCE³	54,920.00	63,626.00
TOTAL REVENUE	320,920.00	325,626.00
EXPENDITURES		
Salaries (2 Full time employees) ⁴	(116,404.00)	(128,422.00)
Merit Pay ⁵	(2,255.00)	(2,568.00)
FICA	(8,904.00)	(9,825.00)
Retirement	(14,562.00)	(16,579.00)
Health Insurance ⁶	(41,256.00)	(37,781.00)
Life Insurance	(210.00)	(210.00)
Retiree Health	(204.00)	(231.00)
Contractual Services (Production of Destination Dare/Ed Awareness) ⁷	(34,000.00)	(40,000.00)
Professional Services ⁸	(2,000.00)	(2,000.00)
Equipment - Repair, Replacement, Purchase ⁹	(12,000.00)	(5,000.00)
Supplies ¹⁰	(2,000.00)	(3,500.00)
Music Library	(350.00)	(350.00)
Training	(1,000.00)	(1,000.00)
Travel	(1,000.00)	(1,000.00)
Professional Memberships	(500.00)	(500.00)
Channel Operations ¹¹	(7,600.00)	(11,285.00)
Marketing	(1,000.00)	(1,000.00)
Miscellaneous	(500.00)	(500.00)
Capital Outlay	(0.00)	(0.00)
Contingency (Reserve for unexpected expenses)	(15,000.00)	(5,000.00)

Emergency Contingency (Storm related overtime during activations)	(2,500.00)	(2,500.00)
Vehicle Maintenance	(1,000.00)	(1,000.00)
Vehicle Fuel	(2,000.00)	(2,000.00)
Insurance and Bonds	(3,425.00)	(2,975.00)
Uniforms	(500.00)	(400.00)
Verizon Wireless ¹²	(750.00)	(750.00)
TOTAL OPERATING EXPENDITURES	-270,920.00	-275,626.00

Local Program Development Initiative

This is money set aside in the budget to foster development of program content by the member entities. Money is awarded on an application and grant basis to participating entities by the Government and Education Access Channel Committee. The money can be used to produce programs, improve the quality of existing programs, or purchase equipment to provide for increased production and/or quality of programs.

LPDI 1 - Coastal Studies Institute	(5,000.00)	(5,000.00)
LPDI 2 - College of The Albemarle	(5,000.00)	(5,000.00)
LPDI 3 - Dare County Government	(5,000.00)	(5,000.00)
LPDI 4 - Dare County Schools	(5,000.00)	(5,000.00)
LPDI 5 - Duck	(5,000.00)	(5,000.00)
LPDI 6 - Kill Devil Hills	(5,000.00)	(5,000.00)
LPDI 7 - Kitty Hawk	(5,000.00)	(5,000.00)
LPDI 8 - Manteo	(5,000.00)	(5,000.00)
LPDI 9 - Nags Head	(5,000.00)	(5,000.00)
LPDI 10 - Southern Shores	(5,000.00)	(5,000.00)
TOTAL LPDI	(50,000.00)	(50,000.00)
TOTAL LPDI AND OPERATING EXPENDITURES	-320,920.00	-325,626.00

Continue to footnotes on next page.

**Government and Education Access Channel
Draft Budget Notes for 2021-2022**

Goals and Objectives to be achieved with this budget.

1. Continue to fund the operation of the channel at a level that provides a professional, reliable and quality service to the citizens of Dare County.

¹ **NC PEG Supplemental Video Disbursement** - this is revenue that is collected by the state in the form of a use tax on cable and satellite providers. The money is pooled and disbursed to qualifying PEG operations within the state. PEG stands for Public, Education, and Government Access. Dare County has 10 qualifying PEG entities, each is a member of the Government and Education Access Channel Committee. Each quarter, this money is disbursed to the entities by the state, and then the Government and Education Access Channels invoices the entities for this money. These state funds are the main source of funding for the Government and Education Access Channels. There has been a slight decrease in NC PEG revenue disbursements so the budget has been adjusted accordingly.

² **Member Fees** - Each entity member pays an annual membership fee to participate in the Government and Education Channel Access. This money must remain in place in order for each entity to receive the PEG Supplement from the state. There is no change to this amount from last year, so impact on each entity's budget is unchanged.

³ **Appropriated Fund Balance** -The appropriated fund balance is the amount pulled from the unappropriated fund balance to meet the obligations of the budget. The unappropriated fund balance is currently \$319,229.23 and with the appropriation for the current fiscal year (\$54,920.00) subtracted, the total is anticipated to be \$264,309.23 on June 30, 2023.

⁴ **Salaries** - This budget currently funds two full-time positions that are Dare County employees, and includes a 2.5% COLA increase as recommended by Dare County Finance for planning purposes.

⁵ **Merit Pay** - awarded on performance. Dare County Finance has advised that \$2,568 be included for FY 2024.

⁶ **Health Insurance** - Includes health insurance coverage for both employees.

⁷ **Contractual Services** - This is for the production of Destination Dare and Dare Education Awareness, our two main programming initiatives that highlight interesting aspects of government and education in Dare County. Each entity contributes one segment to each episode. Destination Dare is produced every other month, and Dare Education Awareness is produced in the alternate months. Last year, we deducted \$6000 from this line item in an effort

to reduce the amount of contracted hours. However, rates have increased this year, which brings this line item back up to \$40,000.

⁸ **Professional Services** - Item to pay for costs associated with professional services such as professional voiceover work, acting, and potential production support.

⁹ **Equipment** - Monies set aside for the purchase and repair of large item video production equipment, such as cameras, editing computers, and lighting equipment.

¹⁰ **Supplies** - This supports the purchase of supplies such as batteries, gaffers tape, lighting gels, accessories, and small equipment items that do not qualify as Capital Outlay or Equipment.

¹¹ **Channel Operations** - Expenses that support the day to day operation of the channels. This includes:

- \$4,200.00 - OBX Media: for website hosting and maintenance
- \$2,400.00 - Reflect: Streaming Video/VOD for online video streaming service
- \$3,700.00 - Cablecast: Closed captioning service (500 hours)
- \$600.00 - Adobe: Creative Cloud subscription for professional non-linear editing tools
- \$385.00 - Storyblocks: Digital asset and stock footage library

¹² **Verizon Wireless** - Line item dedicated to Verizon Wireless fee for use in mobile live broadcasting with Cradlepoint device.

DATE: May 8, 2023

KEY ADMINISTRATOR: Caitlin Spruill, Director of Elementary Education

AGENDA ITEM: Approval of Student Release

BACKGROUND INFORMATION:

The Dare County School District received a written request from the parent/guardian of Anthony Jose Gonzalez, that the student be released from Dare County Schools in order to attend Tyrrell County Schools for the 2023-2024 school year.

State law requires that in order for a student to attend school in a district other than the one he/she resides, the student must be released by the local Board of Education of the district in which the student is currently residing.

Because the parent was in need of approval by May 1, 2023, in order to complete a transfer request application for the new school district, the Superintendent granted administrative permission for the student to be released from Dare County Schools for the upcoming school year. However, formal approval must be granted by the Board.

RECOMMENDATION

The Superintendent recommends the Board formally approve the release of Anthony Jose Gonzalez from Dare County Schools for the 2023-2024 School Year to attend Tyrrell County Schools as requested.

**Agenda Item: IX.A
Attachment #2**

DATE: May 8, 2023

KEY ADMINISTRATOR: Rachel B. Hitch, Board Attorney
Poyner Spruill LLP

AGENDA ITEM: Second Reading of Proposed Policy Manual Updates

BACKGROUND INFORMATION:

The North Carolina School Boards Association provides regular updates to policies which have undergone revision based on changes to legal requirements or cross references. The Policy Team meets monthly to review and make recommendations to update existing policies, as permitted, based on local implementation and feedback.

The policies listed below are being presented to the Board for second reading and approval.

- Revised Policy 2120: Code of Ethics for School Board Members
 - Recommended updates from the N.C. School Boards Association
- Revised Policy 2121: Board Member Conflict of Interest
 - Recommended updates from the N.C. School Boards Association
- Revised Policy 2123: Board Member Opportunities for Development
 - Recommended updates from the N.C. School Boards Association
- Revised Policy 6455: Bids and Quotations
 - Recommended changes to meet changes to NC General Statute
- NEW Policy 6402/9100: Ethics and the Purchasing Function
 - This policy would be new to Dare and is recommended by the N.C. School Boards Association.
- NEW Policy 6128: Administration of Naloxone
 - This new policy regarding the possession and administration of Naloxone/Narcan by school system employees to address drug-related overdose was requested by the District.

RECOMMENDATION

The superintendent recommends the Board approve the proposed policy manual updates as presented.

Policy Code: 2120 Code of Ethics for School Board Members

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 G.S. 160A-86 and G.S. 115C-47(57).

A. Board Member Ethical Requirements

The following considerationsstandards 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 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. AdditionalSpecific Board Member Commitments

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

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;
2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held board meetings;
3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;
4. encouragemodel civility and integrity to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engage; engaging in respectful dialogue with fellow board members on matters being considered by the board; and complying

with all board policies that set expectations for conduct, regardless of whether the policies expressly require compliance by board members;

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

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

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

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

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

10. comply with ~~G.S. 160A-84~~ G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;

11. support the employment of those persons best qualified to serve as school employees, and avoid allowing personal relationships and biases to influence decision making, ~~and insist upon a regular and impartial evaluation of all employees;~~

12. refrain from ~~personally~~ investigating or attempting to resolve complaints received, ~~and personally, but~~ instead advisedirect the complainant to ~~false his or her concerns with the appropriate administrator(s) or, if necessary, to follow the board's complaint or grievance processes for employees or parents~~ process to resolve concerns;

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

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

15. take no private action that will compromise the board or administration;
and ~~respect the confidentiality of information that is privileged under
applicable law; and~~

1516. remember always that a board member's first and greatest concern
must be the educational welfare of the students attending the public schools
and ~~providing students the opportunity to receive a sound basic education.~~

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

Legal References: G.S. 115C-36, -47(1), -47(57), -50; 160A-83, -84; Leandro v. 160A-
86, -87; Leandro v. State, 346 N.C. 336 (1997)

Cross References: Board Member Opportunities for Development (Policy 2123); Board
Member Conflict of Interest (Policy 2121)

Adopted: December 6, 1993

Revised: December 8, 2009

Revised: February 9, 2016

Revised: April , 2023

Dare County Board of Education

Policy Code: 2121 Board Member Conflict of Interest

TheAll board and each members of the board recognize that they are subject to North Carolina's criminal-the laws related to conflicts of interest in public office and that a board member may not use his or her office for personal benefit. The board and each member of the board further recognize that they are subject to the standards established by the federal government for recipients of federal grants as specified in policy 8304, Federal Grant Administration. The board and each member of the board understand that violation of state and federal laws and regulations on conflicts of interest may result in conviction of a crime, may render a contract of the board void, or may result in loss of federal funds. In keeping with the ethical duties specified in policy 2120, Code of Ethics for School Board Members, board members will not let any personal or business interest interfere with their duties as public officials.

Each board member has the obligation to consider any private, personal or business interest that may significantly effect the board member's action on a matter before the board.

When such conflicts of interest occur, each board member has the obligation to declare that conflict and abstain from participating or voting on the issue.

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

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

2. A board member will not derive a personal benefit from a contract with the school system in violation of G.S. 14-234. Specifically, a board member will not:

a. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to G.S. 14-234 or other law;

b. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the board member will obtain a direct benefit from the contract; or

c. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract.

For purposes of G.S. 14-234, a board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications

or terms of the contract or participates in the preparation or award of the contract. A board member is also involved in making a contract if the board takes action on the contract, even if the specific board member did not actually participate in that action, unless the contract is approved under an exception to the law under which the board member is allowed to benefit and is prohibited from voting.

A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of a board member. However, the board member involved will not (1) deliberate or vote on the spouse's employment contract; (2) attempt to influence any other person who is involved in making or administering the contract; or (3) participate in, deliberate on, vote on, or attempt to influence any person with respect to any other matter pertaining to the board member's spouse's employment with the school system, including but not limited to hiring, contract renewal, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind.

3. A board member who is also a director, officer, or governing board member of a nonprofit will not (1) knowingly vote on, participate in deliberations on, or administer any contract with that nonprofit; (2) influence or attempt to influence the deliberation or vote of others on any such contract; or (3) solicit or receive any gift, reward, or other benefit in exchange for recommending, influencing, or attempting to influence the award of such contract in violation of G.S. 14-234.3. Once the board member's recusal is recorded in the minutes of the board, the board may enter into or administer the contract.

4. A board member will not deliberate on, vote on, or otherwise engage in the selection, award, or administration of a contract supported in whole or part by federal funds when he or she has a real or apparent conflict of interest under federal rules as provided in 2 C.F.R. 200.318(c)(1) and policy 8304, Federal Grant Administration. For purposes of this paragraph, a conflict of interest arises when a board member or his or her spouse, immediate family member, or partner, or the employer or pending employer of any of those persons, has a financial or other interest in or receives a tangible personal benefit from a firm considered for the contract. Any such conflict must be disclosed to the awarding agency.

For purposes of the previous paragraph, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

5. A board member will not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from (i) current contractors, subcontractors, or suppliers; (ii) any contractor, subcontractor or supplier that has performed under a contract with the board within the past year; or (iii) any contractor, subcontractor, or supplier that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less) and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law.

Multiple permitted items from a single contractor, subcontractor, or supplier may not exceed an aggregate value of \$100 in a twelve-month period.

6. A board member will not solicit or accept any gifts from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

7. A board member will not misuse information in violation of G.S. 14-234.1. Specifically, a board member will not use knowledge of contemplated board action, or information known to the member in his or her official capacity and not made public, to:

a. acquire a financial interest in any property, transaction, or enterprise or gain any financial benefit which may be affected by the information or contemplated action; or

b. intentionally aid another to acquire a financial interest or gain a financial benefit.

Legal References: 2 C.F.R. 200.112 and 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1, -234.2, -234.3; 133-32; Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Code of Ethics for School Board Members (policy 2120), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8304)

Legal References: N.C. Const. art IV, § 7, § 9; G.S. 14-234, 128-1.1, 133-32

Cross Reference: Vendor Relations (Policy 6401)

Adopted: December 6, 1993

Revised: February 14, 2012

Revised: April _____, 2023

Dare County Board of Education

Policy Code: 2123 Board Member Opportunities for Development

Board members are encouraged to participate in professional development activities designed for them. New board members will have the opportunity and will be encouraged to attend the orientation program 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 ~~clock~~ hours of training every two years.

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

Unless otherwise approved by the board, such training must be provided by the following entities: the school system, the North Carolina School Boards Association, the 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.

~~The board will pay the necessary expenses of assigned board members who attend meetings and conventions pertaining to school activities and the objectives of 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 Reference: G.S. 115C-50; 160A-86, -87

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

Adopted: December 6, 1993

Revised: December 8, 2009;

Revised: May 13, 2014;

Revised: February 9, 2016

Revised: April____, 2023

Dare County Board of Education

Policy Code: 6455 Bids and Quotations

In purchasing merchandise, the board prescribes that economy and quality will be the guide. No discrimination is to be made between the various merchandising houses. The receipt of commissions or gratuities for merchandise purchases will be grounds for dismissal from employment.

The formal bid procedure will be followed for:

- construction or repair work when estimated expenditures of ~~\$300,000~~ \$500,000 or more are involved; and/or
- purchase of apparatus, supplies, materials or equipment when estimated expenditures of \$90,000 or more are involved.

In all other cases involving the expenditure of \$5,000 or more, the informal bid procedure will be used.

Exceptions to this rule may occur as authorized in [G.S. 143-129\(e\)](#), including cases of special emergency involving the health and safety of the people or their property.

The board shall award all construction and repair contracts for which the formal bid procedure is required. The superintendent or designee shall have authority to award and execute other contracts which are within the adopted budget of the board or the approved budget for a construction or repair project. No minimum number of bids is required before awarding a contract resulting from informal bids. A record of all bids submitted shall be maintained and shall be subject to public inspection once the contract is awarded.

All contracts will be awarded to the lowest responsive responsible bidder, considering quality, performance and the time specified in the bids for the performance of the contract The board reserves the right to reject any or all proposals.

The board prohibits the division of contracts and purchase orders when it results in evading this policy.

This policy is consistent with existing Board of Education Policy #6400, #6412, and the General Statutes identified below.

Legal Reference: [G.S. 143-129, -131](#)

Adopted: March 8, 1994

Revised: July 25, 2003

Policy Code: 6402/9100 Ethics and the Purchasing Function

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities.

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8304, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.
2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See [G.S. 14-234](#) and policy 7730, Employee Conflict of Interest.

Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See [2 C.F.R. 200.318](#) and policy 8305, Federal Grant Administration.

A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, a "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. It does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust,

where the individual or individual's employer has no control over the selection of holdings.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the school system.

6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities that foreseeably may bid on a contract in the future, unless the item is an unsolicited gift of nominal value (\$50 or less), and is one of the following: an advertising item or souvenir that is widely distributed; an honorarium for participating in a meeting; a meal provided at a banquet; or other item that is clearly permitted by state and federal law. Multiple permitted items from a single contractor may not exceed an aggregate value of \$100 in a twelve-month period.

Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person. Confidential information includes, but is not limited to (1) the school system's cost estimate for any public contract, prior to bidding or completion of other competitive purchasing processes; and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, until the bids are opened in public and recorded in the board minutes.

10. An employee shall not misuse information in violation of [G.S. 14-234.1](#). Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the school system, or in reliance on information known to the employee in his or her official capacity and not made public, to:

- a. acquire a financial interest in any property, transaction, or enterprise;
- b. gain a financial benefit that may be affected by the information or contemplated action; or
- c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

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, policy 2121, Board Member Conflict of Interest, policy 7730, Employee Conflict of Interest, the conflict of interest provisions of policy 8304, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 2121, policy 7730, or the conflict of interest provisions of policy 8304, will be subject to disciplinary action.

Legal References: [2 C.F.R. 200.318\(c\)](#); [47 C.F.R. 54.503](#); FCC Sixth Report and Order 10-175; [G.S. 14-234, -234.1; 133-32, -33](#); Attorney General Opinion requested by L.W. Lamar regarding [G.S. 133-32](#), the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8304)

Issued: April ____, 2023

Dare County Board of Education

DRAFT
Dare County Board of Education
Administration of Naloxone

A. PURPOSE

The Dare County Board of Education recognizes the increasing frequency of opioid use and abuse in the local community and the impact thereof on the Dare County Schools community. To support the health and safety of Dare County Schools students, staff, and others who may visit property owned or leased by the Dare County Board of Education, and consistent with North Carolina's standing order for the distribution of Naloxone, employees may maintain and administer doses of the opioid antagonist medication Naloxone ("Narcan") to those experiencing a drug-related overdose.

B. DEFINITIONS

- I. "Drug-related overdose" is defined as "an acute condition, including mania, hysteria, extreme physical illness, coma, or death resulting from the consumption or use of a controlled substance, or another substance with which a controlled substance was combined, and that a layperson would reasonably believe to be a drug overdose that requires medical assistance." (NC. Gen. Stat. § 90-96.2.) Symptoms of a drug-related overdose may include unresponsiveness, vomiting, slowed breathing, constricted pupils, and blue lips or fingernails. (North Carolina Naloxone Distribution Toolkit.)
- II. "Naloxone" or "Narcan" is defined as an opioid antagonist, which is approved by the **f** Federal Food and Drug Administration for the treatment of a drug-related overdose. (NC. Gen. Stat. § 90-12.7.) Naloxone "reverses the effects of an opioid overdose by blocking receptors in the brain and restoring breathing." (North Carolina Naloxone Distribution Toolkit.)
- III. "Opioid" is defined as an illegal drug or prescription medication intended to prevent pain (such as oxycodone). Opioids are typically addiction-forming or sustaining. (N.C. Gen. Stat. § 90-87.)

C. PROCEDURES

The following procedures shall apply to the administration of Naloxone in the Dare County Schools:

1. Annual Notice

Dare County Schools shall take reasonable steps to notify students and their parents/guardians of this policy annually. Such notification shall encourage students to immediately report suspected drug overdoses to school officials to ensure medical assistance can be immediately provided. For the purpose of this paragraph, reasonable steps to notify students and

parents/guardians of this policy shall include, but not be limited to, electronic communications, publication through student handbooks, school newsletters and calendars, the school district's official website and other similar paper or electronic means of communication.

2. Training

Any school employee who maintains and administers Naloxone shall be trained in the administration thereof. Training on the administration of Naloxone is available through The North Carolina Harm Reduction Coalition, the NC Office of Emergency Medical Services, the NC Association of Pharmacists, and Project Lazareth. Those who are trained to administer Naloxone shall be provided any necessary information regarding how to acquire Naloxone in the school setting. A list of school district employees who successfully completed such training shall be maintained, updated and filed in the Dare County Schools district administration office and the DCS ~~Lead Nurse~~ **Supervisor's** office.

3. Procurement of Naloxone

To the extent necessary and practicable, the superintendent, principal, school nurse, or designee will be responsible for the procurement of Naloxone, consistent with the statewide standing order or local standing order. The school nurse is responsible for periodically checking the expiration date of the school's Naloxone and replacing any medication notifying administration prior to its expiration. The Dare County Board of Education makes no representation regarding the availability of Naloxone in the school system at any given time.

4. Storage

Naloxone shall be stored in the school nurse's office or other location as designated by the school nurse or superintendent in accordance with the drug manufacturer's instructions. Naloxone shall be made available to those trained to administer it in the event of a suspected drug-related overdose. The school nurse will ensure that all trained staff are aware of the Naloxone storage location. The school nurse shall ensure that the school always maintains an adequate supply of Naloxone.

5. Administration

Naloxone shall be administered consistent with drug guidelines by the manufacturer, and in accordance with a reputable training, such as through the organizations or associated listed in part 2 of this section. Any person who administers Naloxone in accordance with North Carolina law is immune from any civil or criminal liability.

6. Law Enforcement Involvement

Law enforcement shall be notified of the possession or use of illegal substances consistent with Dare County Board of Education policies 4335, Criminal Behavior (see also 4325 Narcotics, Alcoholic Beverages and Stimulant Drugs) or 7240, Drug-Free and Alcohol-Free Workplace.

7. Student Discipline

Students engaged in the use of illegal substances shall be disciplined in accordance with Board Policy 4300A, Code of Student Conduct. (See also 4325 Narcotics, Alcoholic Beverages and Stimulant Drugs.)

D. ADMINISTRATION OF NALOXONE BY NON-EMPLOYEES

Nothing in this policy is intended to regulate, restrict, or otherwise deter a law enforcement officer, emergency medical technician, volunteer fire company member, licensed medical professional or other authorized individual from administering his/her own supply of Naloxone/Narcan when responding in good faith to a suspected drug overdose occurring on school district property. However, such individuals shall not be considered to be acting on behalf of the school system.

Legal References: NC. Gen. Stat. § 90-96.2; -12.7; -87.

Cross References: Policy 4335, Criminal Behavior; Policy 4325 Narcotics, Alcoholic Beverages and Stimulant Drug; Policy 7240, Drug-Free and Alcohol-Free Workplace; Policy 4300A, Code of Student Conduct

Other References: North Carolina Naloxone Distribution Toolkit
<https://www.ncdhhs.gov/media/8091/download>

Agenda Item: IX.B
Attachment #3

DATE: May 8, 2022

KEY ADMINISTRATORS: Steve Basnight, Superintendent
Emily Santora, Interim Finance Director

AGENDA ITEM: Approval of the Dare County Schools Proposed Budget for 2023-2024

BACKGROUND INFORMATION:

According to state law, each local Board of Education must adopt a proposed budget by May 15 for the upcoming school year. Mrs. Anna McGinnis, Financial Consultant, presented a recommended budget to the Board during a budget workshop on April 25, 2023. The recommended budget includes the following:

- Operating Budget (State, Federal and Local)
- Capital Improvement Plan
- Capital Outlay Budget
- School Nutrition Budget
- ASEP Budget
- Student Fees

RECOMMENDATION:

This is the second reading. The superintendent recommends the Board adopt the proposed budget for 2023-2024 as presented. The budget will be amended by the Board when revenues are finalized.

Agenda Item: X.A
Attachment #4

DATE: May 8, 2023

KEY ADMINISTRATOR: Rachel B. Hitch, Board Attorney
Poyner Spruill LLP

AGENDA ITEM: First Reading of Proposed Policy Manual Updates

BACKGROUND INFORMATION:

The North Carolina School Boards Association provides regular updates to policies which have undergone revision based on changes to legal requirements or cross references. The Board of Education's Policy Team meets monthly to review and make recommendations to update existing policies, as permitted, based on local implementation and feedback.

The policies listed below are being presented to the entire Board for first reading and consideration.

- Policy 2340: Board Meeting Procedures
 - Technical Correction
- Policy 7730: Employee Conflict of Interest
 - Recommended updates from the N.C. School Boards Association
- Policy 8304: Federal Grant Administration
 - Recommended updates from the N.C. School Boards Association
- Regulation 8304-R: Federal Grant Administration - Procurement Procedures
 - Recommended updates from the N.C. School Boards Association
- NEW Policy 8300: Fiscal Management Standards
 - This policy would be new to Dare, is recommended by the N.C. School Boards Association, and reflects minor changes made by Poyner Spruill
- Policy 8310: Annual Independent Audit
 - Recommended updates from the N.C. School Boards Association

RECOMMENDATION

This is the first reading. No action is required at this time. The updates will be presented for second reading and approval at the next regularly-scheduled board meeting.

Policy Code: 2340 Board Meeting Procedures

Establishing rules of procedure can ensure orderly, efficient board of education meetings. These rules are intended to support North Carolina statutory law and also to establish acceptable procedures for board of education operations.

The board accepts the following principles in conducting board business:

1. The board must act as a body.
2. The board should proceed in the most efficient manner possible.
3. The board must act by at least a majority of its members.
4. All members should have an equal opportunity to participate in decision-making.
5. The board's action should result from a decision on the merits rather than a manipulation of the procedural rules.

A. Regular Meetings

The board will hold regular meetings on the second ~~Tuesdays~~ Monday of the month, except if the regular meeting day falls on a legal holiday, or immediately following an extended holiday, such as spring break. Locations and time of meetings will be determined by the board, no later than June of each year.

B. Special Meetings

The chairperson or superintendent may call a special meeting at any time by giving actual notice of the time and place of the meeting and the subjects to be considered to each board member, at least forty-eight hours before the meeting. If reasonable efforts to give each member actual notice do not succeed, written notice will be left at the member's home. Public notice will be given according to applicable statute.

C. Emergency Meetings

The chairperson or superintendent may call an emergency meeting in special circumstances. First, the meeting must concern "general unexpected circumstances," and second, those circumstances must require "immediate consideration" by the board. The meeting may be held as quickly as members can gather once all members are notified. Public notice will be given according to applicable statute.

D. Organizational Meeting

The board will organize as a board annually at the first meeting after December 1. New board members will take the oath of office as the first order of business. As the second order of business, the board will elect a chairperson and vice chairperson from its membership. The secretary will be the superintendent of schools ex-officio.

E. Agenda

The secretary to the board, chairperson, and one board member from each of the following areas not represented by the chairman: Hatteras Island, Roanoke Island, and the beach area north of Oregon Inlet will prepare the agenda for the meeting. A request to have an item of business placed on the agenda must be received at least six working days before the meetings. A board member may, by a timely request, have an item placed on the agenda.

Items may be added to the proposed agenda at the beginning of each meeting by the chairperson or the superintendent, subject to a majority vote. One item of business for each board meeting will be adoption of the agenda. Thereafter, the agenda may not be altered except by two-thirds vote of the board members present.

Each item of business on the agenda shall be accompanied by a cover sheet with background information on the subject.

The proposed agenda will be delivered to each member of the board in a manner consistent with board policy 2335, "Advance Delivery of Meeting Materials." The proposed agenda will be posted on the website of the school district and mailed or delivered to all representatives of the media and any other individual who has made a written request.

Generally, any new policy or budgetary items presented as an addendum to the published agenda is not subject to action at the same meeting.

F. Public Address to the Board

The board of education, as an elected representative body of the school system, welcomes and encourages input from any member of the public who desires to appear before the board. The board will set aside the first part of each regularly scheduled monthly board meeting for members of the public to address the board through public comment. 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.

To facilitate an orderly meeting while providing an opportunity for input, individuals or groups may address the board in accordance with the following guidelines:

1. A sign-up sheet shall be made available 30 minutes before the meeting begins for any individual or group to indicate their desire to address the board. The sign-up time will close 15 minutes before the meeting begins. Those who wish to speak must sign up themselves; individuals may not sign up on behalf of others. During the public comment period, the board chair will recognize speakers in the order in which they signed up. Substitute speakers will not be permitted, and speakers may not donate any portion of their time to another speaker. The following information is required for any person seeking to address the board during the public comment period: (a) the name and address of the person who desires to appear; (b) the subject to be presented for the board's consideration; and (c) the name of the group being represented, if any.

2. Each speaker will receive three minutes to present comments; however, the public comment session will not exceed 30 minutes total except by majority vote of the board. If an unusually large number of people request to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a spokesperson for each group of persons supporting or opposing the same positions. At any time, the board may establish additional procedures to ensure that public comment session proceed in an efficient and orderly manner.

3. At no time during public comment or any other time during the board meeting will a speaker or meeting attendee approach the board table, unless invited to do so by the chairperson. Any person who fails to comply with this provision will be removed from the meeting.

4. 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.

5. The purpose of the public comment period is to allow citizens to address the board rather than for the board to take immediate action in response to a presentation. 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. A unanimous vote of the board members present is required to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

6. Obscene or vulgar statements, personal attacks, and statement reasonably perceived to be disruptive or imminently threatening to the orderly operation of the meeting shall not be permitted. Any limitation on public comments shall be viewpoint neutral. The Chairman will have the responsibility to determine matters

of the discussion that may be inappropriate under this Policy and to rule the speaker out of order, if necessary.

7. A person who willfully interrupts, disturbs, or disrupts an official meeting and who, upon being directed to leave, willfully refuses to leave the meeting is guilty of a Class 2 misdemeanor pursuant to [N.C. Gen. Stat. §143-318.17](#).

G. Placement and Use of Recording Equipment During Open Meetings

Any person desiring to film or record any part of any open meeting may do so in a manner that is not disruptive or distractive to the conduct of the meeting. No recording devices or equipment shall be attached to the Board's audiovisual equipment or placed on the podium. Filming or recording shall be done using a fixed camera position no closer than 10 feet from the podium and no closer than 20 feet from the Board's dais. Wiring for any recording devices or equipment must be secured in place so as not to pose a hazard to anyone approaching or leaving the podium.

H. Order of Business

Items will be placed on the agenda according to the order of business. The order of business for each regular meeting will generally be as follows:

1. call to order
2. determination of quorum
3. moment of silence
4. welcome
5. pledge to flag
6. recognitions
7. instructional highlights
8. public comment
9. approval of agenda
10. approval of consent agenda items, including approval of the minutes
11. announcements, reports, presentations
12. unfinished business

13. new business
14. closed session (if any)
15. action after closed session, as appropriate (if any)
16. adjourn

However, by general consent of the board or by motion and majority vote, items may be considered in a different order.

I. Presiding Officer

The chairperson will preside at board meetings. To address the board, a member must be recognized by the chairperson. The chairperson should have the following powers:

1. to rule motions in or out of order on procedural grounds, including the right to rule out of order any motions patently offered for obstruction or dilatory purposes;
2. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. to entertain or answer questions on parliamentary law or procedure;
4. to call for a brief recess at any time;
5. to adjourn in an emergency; and
6. to appoint committees consistent with board policy.

J. Presiding Officer When the Chairperson is in Active Debate

The chairperson will preside over meetings. If he or she becomes actively engaged in debate on a particular proposal, he or she may designate another board member to preside until action on the matter is concluded. This rule is designed to ensure even-handed treatment on both sides during a heated debate.

K. Action by the Board

The board will proceed by motion. Anyone, including the chairperson, may make a motion. Traditionally, if the chairperson wishes to have a motion made, instead of making it himself or herself, he or she states, "The chair will entertain a motion that..." This rule does not prevent such a practice; it merely makes clear that being chairperson does not prevent one from making a motion. The board may want to follow procedure set forth in Section I of this policy, if the chairperson's motion is a controversial one.

L. Seconds Required

All motions require a second.

M. One Motion at a Time

A member may make only one motion at a time.

N. Substantive Motion

A substantive motion is out of order while another substantive motion is pending. This rule sets forth the basic principle of parliamentary procedure that distinct issues will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

The words "substantive motion" are used here to underscore the distinction between it and the various procedural motions listed in Section P of this policy. Basically, a substantive motion is any motion other than the procedural motions listed Section P.

O. Adoption by Majority Vote

A motion will be adopted by a majority of the board membership, a quorum being present. Method of voting will be by voice vote or show of hands. A member should vote on all issues unless there is a conflict of interest which must be stated before the vote is taken. The reason for a member's conflict of interest will be recorded in the minutes. A failure to vote by a member who is physically present or who has withdrawn without being excused by a majority vote of the remaining members present will be recorded as an affirmative vote (See Section R of this policy, "Duty to Vote").

P. Debate

The chairperson will state the motion and open the floor to debate on it. The chairperson will preside over the debate according to the following general principles:

1. the introducer (the member who makes the motion) is entitled to speak first;
2. a member who has not spoken on the issue will be recognized before someone who has already spoken; and,
3. to the extent possible, the debate will alternate between opponents and proponents of the measure.

Q. Procedural Motions

In addition to substantive motions, the following procedural motions, and no others, will be in order.

Unless otherwise noted, each motion is debatable, may be amended, and requires a majority vote for adoption.

While a substantive motion is out of order if another substantive motion is pending, under these rules several procedural motions may be entertained in succession without necessarily disposing of the immediate pending one. The order of priority establishes which procedural motions may be made and considered while another one is pending.

In order of priority, the procedural motions are as follows:

1. **To adjourn.** The motion to adjourn may be made only when action on a pending matter concludes; it may not interrupt deliberation of a pending matter.

The motion to defer consideration or to postpone to a certain time or day may be used if the board wants to adjourn before completing final action on the matter.

2. **To take a recess.** This motion is in order at any time. The chairperson of the board also has the power to call a brief recess.

3. **Call to follow the agenda.** This motion must be made at the first reasonable opportunity or it is waived. The motion must be made as soon as an item of business that deviates from the agenda is proposed or the right to insist upon following the agenda is waived for that item.

4. **To suspend the rules.** For adoption, the motion requires the majority of the board membership voting in the affirmative. This motion is in order when the board wishes to do something that it may legally do, but cannot accomplish without violating its own rules.

5. **To divide a complex motion and consider it by paragraph.** This motion is the same as the motion to divide a question and consider it by paragraph.

6. **To defer consideration.** A consideration of a substantive motion that has been deferred expires 100 days thereafter, unless a motion to revive consideration is adopted. This motion allows the board temporarily to defer consideration of a proposal.

7. **Call of the previous question.** The motion is not in order until there has been at least 20 minutes of debate, and every member has had an opportunity to speak. Once every member has an opportunity to speak, the debate may be ended by a majority vote.

8. **To postpone to a certain time or day.** This motion allows the board to defer consideration to a specified time or day, and is appropriate when more information is needed or the deliberations are likely to be lengthy.

9. **To refer to a committee.** Sixty days after a motion has been referred to a committee, the introducer may compel consideration of the measure by the entire board, regardless of whether the committee has reported the matter back to the board.

10. **To amend.** An amendment to a motion must be pertinent to the subject matter of the motion, but it may achieve the opposite of the motion's intent. The motion may be amended and an amendment may be amended, but no further amendments may be made.

11. **To revive consideration.** The motion is in order any time for 100 days after a vote to defer for consideration. A substantive motion whose consideration has been deferred expires 100 days thereafter, unless a motion to revive consideration is adopted.

12. **To reconsider.** The motion must be made by a member who voted with the prevailing side. It must be made at the same meeting as the vote was taken. It may not interrupt deliberation on a pending matter, but is in order anytime before actual adjournment.

13. **To rescind or repeal.** This motion is in order only for those measures adopted by the board that may legally be repealed or rescinded; it is not intended to suggest that the board may unilaterally rescind a bonding contract.

14. **To ratify.** This motion allows the board to later ratify that which it could have authorized. To the extent the board may legally do so, the option is retained by these rules.

15. **To prevent reconsideration for six months.** The motion is in order immediately following the debate of a substantive motion and at no other time. For adoption the vote must receive a vote equal to the number required for a quorum. It is valid for six months, or until a new board member is appointed, whichever occurs first. This is a clincher motion to prevent the same motion from being continually introduced when the subject has been thoroughly considered.

R. Withdrawal of Motion.

A motion may be withdrawn by the introducer at any time before a vote.

S. Duty to Vote

Every member must vote unless excused by the remaining members. A member who wishes to be excused from voting will so inform the chairperson, who will take a vote of the remaining members present.

No member will be excused from voting except on matters involving his or her own financial interest, official conduct, or matters which may be considered or could be perceived to be a conflict of interest. A failure to vote by a member who is physically present or who has withdrawn without being excused by a majority vote of the remaining members present will be recorded as an affirmative vote.

T. Closed Sessions

The board may hold closed sessions as provided by law. The board will commence a closed session by a majority vote to do so and end it in the same manner. The board will determine the appropriate time during the meeting for the closed session.

A general account of any closed session will be kept so that a person not in attendance would have a reasonable understanding of what transpired. Minutes, a record of actions by the board, should be kept as part of the general account of a closed session. The minutes or general account of a closed session can be withheld from public inspection so long as such inspection would frustrate the purpose of a closed session.

U. Quorum

A majority of the actual membership of the board, excluding vacant seats, will constitute a quorum. A member who has withdrawn from a meeting without being excused by a majority vote of the remaining members present, will be counted as present for purposes of determining whether a quorum is present.

V. Public Hearings

Public hearings required by law or deemed advisable by the board will be organized by a special order, adopted by a majority vote, that sets forth the subject, date, place, and the time of the hearing, as well as any rules regarding the length of time with each speaker, etc. At the appointed time, the chairperson or his or her designee will call the hearing to order and then preside over it. When the allotted time expires, or when no one wishes to speak who has not already done so, the chairperson or his or her designee will declare the hearing ended.

W. Minutes

Minutes will be kept of all board meetings. Board policy on board of education minutes outlines rules of procedure for board minutes.

X. Appointments

The board will use the following procedures to make appointments to various subordinate boards and offices. The chairperson will open the floor for nominations. At the time the names of possible appointees will be put forward by the members and debated. When the debate ends, the chairperson will call the roll of the members, and

each member will cast his or her vote. The votes will not be tallied until all members have voted.

If more than one appointee is to be selected, each member will have as many votes as there are positions to be filled. A member must cast all of his or her votes, and cast them for different nominees.

Y. Reference to Robert's Rules of Order

To the extent not provided for in these rules and to the extent that the references does not conflict with the spirit of these rules, the board will refer to Robert's Rules of Order, Newly Revised, for unresolved procedural questions.

The board retains authority to determine questions regarding procedure by majority vote. Further, the board retains authority to waive or suspend any portion of this policy by majority vote, under Policy 2450, Suspension of Board Policies.

Legal References: [G.S. 115C-36, -51](#) (public comment), [143-318.9](#) *et seq.* (meetings of public bodies)

Cross Reference: Organizational Meeting (Policy 2303), Advance Delivery of Meeting Materials (Policy 2335), Suspension of Board Policies (Policy 2450)

Adopted: November 19, 1991
Revised: September 24, 2001
Revised: October 12, 2004
Revised: November 10, 2009
Revised: April 12, 2016
Revised: July 23, 2018
Revised: January 12, 2021
Revised: February 28, 2022
Revised: November 9, 2022
Revised: _____

Dare County Board of Education

Policy Code: 7730 Employee Conflict of Interest

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below. In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 64024/9100, Ethics and the Purchasing Function.

A. Contracts with the Board

An employee shall not do any of the following:

1. obtain a direct benefit from a contract that he or she is involved in making or administering on behalf of the board, unless an exception is allowed pursuant to [G.S. 14-234](#) or other law;
2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;
3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or
4. solicit or receive any gift, favor, reward, service, or promise of reward, including a promise of future employment, in exchange for recommending, influencing, or attempting to influence the award of a contract by the board.

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

An employee derives a direct benefit from a contract if the employee or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of the superintendent if approved by the board in an open session meeting

in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

B. Misuse of Information

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or
2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

C. Non-School Employment

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;
2. work of any type in which the sources of information concerning customer, client, or employer originate from any information obtained through the school system;
3. work of any type that materially and negatively affects the educational program of the school system;
4. any type of private business using system facilities, equipment, or materials, unless prior approval is provided by the superintendent; or
5. any type of private business during school time or on school property, unless prior approval is provided by the superintendent.

The superintendent may grant prior approval for work performed under subsections C.4 and C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the

superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

D. Supervision of Immediate Family Members

No employee will have direct supervision of an immediate family member defined as spouse, child, parent, brother, sister, mother-in-law, father-in-law, daughter-in-law, son-in-law, sister-in-law, brother-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, and stepfather. Should two employees at the same work location enter into one of the familial relationships listed where one is in a supervisory or evaluator role over the other, one employee will be reassigned as soon as reasonably possible. Any summative evaluation duties will be reassigned immediately.

ED. Receipt of Gifts

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value (\$50 or less) and (1) are instructional products or advertising items that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or (4) are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 64024/9100, Ethics and the Purchasing Function, and 83045, Federal Grant Administration, and applicable state and federal law.

FE. Violations

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 64024/9100, Vendor Relations, policy 7732 Non-School Employment, the conflict of interest provisions of policy 8304, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401, policy 7732, or the conflict of interest provisions of policy 8304, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318(c)(1); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 133-32, -33; 115C-47(17a), -47(18); 133-32;

Attorney General Opinion requested by L.W. Lamar regarding G.S. 133-32, the Applicability to Attorneys and Law Firms Providing Professional Services to Local Boards of Education, dated May 13, 1993

Cross References: Prohibition Against Retaliation (policy 1760/[7280](#)), Board Member Conflict of Interest (policy 2121), Vendor Relations (policy 6401), Recruitment and Selection of Personnel (policy 7100), Non-School Employment (policy 7732), Federal Grant Administration (policy 8304)

Adopted: November 12, 1996

Revised: January 10, 2012

Revised: June 11, 2019

Revised: May ____, 2023

Dare County Board of Education

Policy Code: 8304 Federal Grant Administration

The board intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

A. Financial Management Systems and Internal Controls

The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all terms and conditions of the awards as well as all requirements of the U.S. Constitution and federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (“Uniform Guidance”) issued by the U.S. Office of ~~Budget and~~ Management and Budget (except to the extent that an exception to the Uniform Guidance has been authorized by the relevant federal agency), and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

1. Allowability

Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is incurred during the approved budget period and is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and

documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

3. Procurement

All purchases for property and services made using federal funds must be conducted in a manner providing full and open competition and in accordance with the Uniform Guidance, all other applicable federal, state, and local laws and regulations, ~~the Uniform Guidance~~, and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320-(c). School officials are encouraged to maximize the purchase and use of goods, products, and materials produced in the United States to the extent consistent with law.

Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, must be excluded from competing for such purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities. Contracts shall contain all provisions required by 2 C.F.R. Part 200.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and when applicable, verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

4. Conflict of Interest

~~Each~~In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see policies 2121, Board Member Conflict of Interest; 6402/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system ~~who is~~ engagedengages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award ~~("covered"~~if he or she has a real or apparent conflict of interest.

A real or apparent conflict of interest exists when (1) the employee, board member, or agent of the school system, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this paragraph, "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. "Financial interest" does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual")-and or individual's employer has no control over the selection of holdings.

Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing anythe potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

~~For purposes of this paragraph, a conflict of interest would arise when (1) the covered individual, (2) anyb. No employee, board member of his, or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. A covered individual who is required to disclose a conflict in~~

~~accordance with this paragraph shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.~~

~~Covered individuals shall not~~ agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract ~~for a federal grant or award; however, covered individuals may accept~~ except that (1) a single unsolicited item with a nominal value of ~~of \$~~(\$50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of \$100 or less in a 12-month period: may be accepted. Violations of this rule are subject to disciplinary action.

5. Mandatory Disclosures

The superintendent shall disclose in writing to the federal awarding agency in a timely manner all violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The superintendent shall fully address any such violations promptly and shall notify the board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

7. Accountability and Certifications

All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.

8. Monitoring and Reporting Performance

The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. ~~Performance.~~ Financial and

performance reports, including reports of significant developments that arise between scheduled performance reporting dates and final closeout reports, must be submitted as required by federal or state authorities.

B. Audits and Corrective Action

1. An annual independent audit will be conducted as provided in policy 8310, Audits: Annual Independent Audit. The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.
2. At the completion of the audit, the superintendent or designee shall prepare a summary schedule of prior audit findings and a corrective action plan to address any prior audit findings. The corrective action plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.
3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

C. Training

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

D. Other Applicable Board Policies

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:

1. Educational programs policies (policies in the 3000 series)
2. School nutrition services policies (policies in the 6200 series)
3. Purchasing policies (policies in the 6400 series)
4. Equipment, materials, and supplies policies (policies in the 6500 series)
5. Personnel policies (policies in the 7000 series)
6. Fiscal management policies (policies in the 8000 series)

7. Policies protecting the confidentiality of personally identifiable information and other sensitive information (policies in the 4000, 6000, and 7000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

E. Reporting Mismanagement of Federal Funds

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter ~~to their immediate supervisor. If the employee believes that the violation has not been addressed, then the employee should follow the steps outlined in Policy 7470, Employee Grievance Procedure~~ as provided in policy 1760/7280, Prohibition Against Retaliation.

~~Legal References: 2 C.F.R. Part 200~~

Legal References: 2 C.F.R. Part 180; 2 C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6402/9100), Employee ~~Grievance Procedure (Policy 7470)~~ Conflict of Interest (policy 7730), Fiscal Management Standards (Series 8000)

Other ~~References~~ Resources: *Standards for Internal Control in the Federal Government* ~~("The Green Book") (GAO)~~ (U.S. Government Accountability Office), available at <http://www.gao.gov/greenbook/overview>; *Internal Control Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at <http://www.coso.org/ic.htm> <https://www.coso.org/pages/ic.aspx>; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at https://www.whitehouse.gov/omb/financial_fin_single_audit <https://www.whitehouse.gov/omb/office-federal-financial-management/>

Adopted: June 28, 2018

Revised: May _____, 2023

Dare County Board of Education

Regulation Code: 8304-R Federal Grant Administration - Procurement Procedures

This regulation applies to contracts for purchases of goods (apparatus, supplies, materials, and equipment), services, and construction or repair projects when federal funds are used, in whole or in part, to pay for the cost of the contract. Contracts funded with federal grant or loan funds will be procured in a manner that conforms with all applicable federal laws, policies, and standards, including those under the Uniform Guidance ([2 C.F.R. Part 200](#)), unless otherwise directed in writing by the federal agency or state pass-through agency that awarded the funds. In accordance with federal requirements, the school system will comply with the most restrictive procurement requirements of both federal and state law as well as local policies.

I. General Procurement Standards

A. Decision to Procure

1. Necessity [2 CFR 200.318\(d\)](#).

The school system must avoid acquisition of unnecessary or duplicative items. The director who is making the procurement should check with the federal surplus property agency prior to buying new items when feasible and less expensive. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate and allowed by law, the director of finance shall perform an analysis of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

2. Cost or Price Analysis [[See 2 CFR 200/324.2-CFR 200.323.](#)]

A cost analysis or price analysis will be performed in connection with every procurement action in excess of the current [Simplified Acquisition Threshold](#) (\$250,000) including contract modifications. The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation. The school system will make an independent estimate before receiving bids or proposals, but the method and degree of analysis is dependent on the facts surrounding the particular procurement situation.

The director of finance shall conduct the analysis. Analyses should include a review of prior contract costs, online reviews of similar products or services, and other market research. Any pertinent information required to develop the process for conducting the analysis will be handled by the director of finance.

Profit must be negotiated as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration will be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

3. Evasion Prohibited

Procurements may not be divided to bring the cost under bid thresholds or to evade any requirements under this regulation or state or federal law.

B. Competition

1. Open Competition [See [2 CFR 200.319\(a\)](#).]

All procurement transactions will be conducted in a manner providing full and open competition. Some of the situations considered to be restrictive of competition, and thus prohibited, include but are not limited to: (1) placing unreasonable requirements on firms in order for them to qualify to do business; (2) requiring unnecessary experience and excessive bonding; (3) noncompetitive pricing practices between firms or between affiliated companies; (4) noncompetitive contracts to consultants that are on retainer contracts; (5) organizational conflicts of interest; (6) specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and (7) any arbitrary action in the procurement process.

In addition, to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals (RFPs) are excluded from competing for such procurements.

The director of finance is responsible for reviewing documentation for each procurement transaction to ensure the school system is in compliance with these requirements. The Interactive Purchasing System will be used when applicable. For small purchases above the minimal dollar thresholds will include quotes and procurement transactions which include higher thresholds when applicable will adhere to the bidding process.

2. Geographic Preference [See [2 CFR 200.319\(cb\)](#) and [N.C. G.S. 143-64.31\(a1\)](#).]

Geographic preferences will not be granted in the evaluation of bids or proposals, unless applicable federal statutes expressly mandate or encourage geographic preference.

When contracting for architectural and engineering services, however, a North Carolina resident firm will be granted a preference over a nonresident firm if (1) the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms and (2) granting the preference still allows for an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract. 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.

3. Historically Underutilized Businesses

The school system affirms the state's commitment to encourage the participation of historically underutilized businesses in purchasing functions. The school system will abide by all applicable local and state requirements regarding historically underutilized businesses as described in policy 9125, Minority Contracting Bill. In addition, in accordance with the requirements of [2 CFR 200.321](#), the school system will take the following affirmative steps to facilitate the use of minority businesses, women's business enterprises, and labor surplus area firms, when possible:

- placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
- dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises (however, the procurement may not be divided to bring the cost under bid thresholds or to evade any requirements under this regulation or state or federal law);

- establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
- using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in this subsection.

4. Prequalified Lists [See [2 CFR 200.319\(ed\)](#).]

Construction or repair projects may be subject to prequalification only if there are enough qualified sources to ensure maximum open and free competition. Potential bidders will be permitted to prequalify during the solicitation period.

C. Bid Solicitations

1. Clear Specifications [See [2 CFR 200.319\(de\)](#).]

The director of finance is responsible for ensuring that the solicitation incorporates a clear and accurate description of the technical requirements for the materials, products, or services to be procured. The description must not contain features that unduly restrict competition. The description may include a statement of the qualitative nature of the material, product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated.

Solicitations must also include all other requirements which bidders must fulfill and all other factors to be used in evaluating bids or proposals.

2. Fixed Price

Solicitations will state that bidders must submit bids on a fixed price basis and that the contract will be awarded on this basis, unless

otherwise provided for in this regulation. Cost plus percentage of cost contracts are prohibited [see ~~2 CFR 200.323~~ [2 CFR 200.324\(d\)](#)]. Time and materials contracts are prohibited in most circumstances. Time and materials contracts will not be used unless no other form of contract is suitable and the contract includes a "Not to Exceed" amount. A time and materials contract will not be awarded without express written permission of the federal agency or state pass-through agency that awarded the funds.

3. Notice of Federal Funding

All solicitations will acknowledge the use of federal funding for the contract and will inform prospective contractors that they must comply with all applicable federal laws, regulations, executive orders, and terms and conditions of the funding award. All prospective bidders or offerors must acknowledge that funding is contingent upon compliance with all terms and conditions of the funding award.

D. Contract Award

1. Responsible Contractors

All contracts will be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of the contract. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources [see [2 CFR 200.318\(h\)](#)].

No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities or who is ineligible to contract under state law. The director of finance will check the debarred vendor list to ensure that the vendor is not listed.

2. Authorization to Enter into Contracts

Unless otherwise prohibited by law, board policy, or this regulation, the superintendent or designee is authorized to (1) enter into contracts or approve amendments to contracts for materials, equipment, supplies, or services involving amounts up to \$90,000.00, (2) enter into construction or repair contracts involving amounts up to \$300,000 and (3) approve change orders involving additive or deductive sums up to \$20,000 so long as funding for the change order is available within the established project budget. All other contracts must be reviewed by the board attorney and approved in advance by the board. The

superintendent, with appropriate involvement of the finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

3. Contract Requirements

All contracts paid for in whole or in part with federal funds must be in writing. The written contract must include or incorporate by reference the provisions required under [2 CFR 200.326](#) and as provided for under [2 CFR Part 200](#), Appendix II.

E. Contractor Oversight [See [2 CFR 200.318\(b\).](#)]

The director of finance or director responsible for the contract shall maintain oversight to ensure that the contractor is performing in accordance with the contract terms, conditions, and specifications of the contract or purchase order.

F. Records [See [2 CFR 200.318\(i\).](#)]

Records must be maintained by the director of finance detailing the history of all procurements. The records must include the rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Documentation should include all solicitation documents, invoices and payments up to the end of the records retention period as described in the Records Retention and Disposition Schedule administered by the North Carolina Department of Cultural Resources Division of Archives and History. All documentation relating to the award of any contract must be made available to the granting agency upon request.

II. Specific Procurement Procedures

The director of finance shall solicit bids in accordance with the requirements listed in this Section based on the type and cost of the contract. Prior to initiating any procurement activities, the director of finance shall first thoroughly review all terms and conditions of the federal grant award and shall proceed only in accordance with such terms and conditions. If the director of finance has any questions or concerns about the procurement process, he/she shall consult with the federal grantor agency and secure written confirmation of the applicability of the processes to be used.

A. Contracts for the Purchase of Goods

1. Contracts Costing No More Than \$10,000

Contracts for purchases of goods (apparatus, supplies, materials, and equipment) that do not exceed the current micro-purchase threshold (\$10,000) will be procured using the Uniform Guidance "micro-purchase" procedure ([2 CFR 200.320\(a\)](#)) and local standards. The micro-purchase threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

The contract may be awarded without soliciting bids if the price of the goods is considered to be fair and reasonable; however, the board encourages that at least two bids or quotes be obtained, when feasible. Price, quality, suitability for specified need, and timeliness of delivery and performance should all be considered. Contracts should be made under conditions that foster competition among potential vendors. To the extent practicable, purchases must be distributed equitably among qualified vendors.

2. Contracts Costing Over \$10,000 but Less Than \$90,000

Contracts for purchases of goods (apparatus, supplies, materials, and equipment) that cost over the current micro-purchase threshold (\$10,000) but less than \$90,000 will be procured using the Uniform Guidance "small purchase" procedure ([2 CFR 200.320\(ab\)\(2\)](#)) and local standards. The micro-purchase threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

Price or rate quotes will be obtained from an adequate number of qualified sources. A federal grantor agency may issue guidance interpreting "adequate number," so the terms and conditions of the grant award documents must be checked to determine whether specific guidance has been issued. Quotes 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.

Contracts will be awarded to the lowest responsive, responsible bidder on a fixed-price basis.

In lieu of the process described in this subsection, the school system may use competitive sealed bids as allowed for under informal bidding in policy 6455, Bids and Quotations.

3. Contracts Costing \$90,000 or More

Contracts for purchases of goods (apparatus, supplies, materials, and equipment) costing \$90,000 or more will be procured using a combination of the Uniform Guidance "sealed bid" procedure ([2 CFR 200.320\(eb\)\(1\)](#)) and state formal bidding procedures ([N.C. G.S. 143-129](#)).

The bid must be formally advertised in a newspaper that has general circulation in the area, by electronic means, or both. [The board must approve a decision to advertise solely by electronic means.](#) The advertisement must be posted at least seven full days before the date of the opening of bids. The advertisement must designate the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the board the right to reject any or all bids if there is a sound documented reason. Complete specifications or purchase description must be made available to all bidders.

All bids must be submitted sealed. Bids will be opened at the public bid opening on the date and time and at the location noticed in the public advertisement. A minimum of two bids must be received in order to open the bids.

The contract will be awarded to the lowest responsive, responsible bidder on a fixed-price basis. Any or all bids may be rejected if there is a sound documented reason.

4. Certain Information Technology Contracts

When the "sealed bid" procedure is not appropriate, contracts for information technology goods and services that would qualify for use of the RFP procedure pursuant to [N.C. G.S. 143-129.8](#) may be procured using a combination of the most restrictive requirements of the Uniform Guidance "competitive proposal" procedure ([2 CFR 200.320\(bd\)\(2\)](#)) and [N.C. G.S. 143-129.8](#). The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation. The director of finance shall secure prior approval from the federal grantor agency before using this type of procedure.

A request for proposals (RFP) will be formally advertised in a newspaper that has general circulation in the area, by electronic means, or both. The advertisement must be posted at least seven full days. Proposals from an adequate number of qualified firms (a federal grantor agency may issue guidance interpreting "adequate number") must be solicited. The RFP will identify the scope of work, general terms and conditions, specifications of the product needed by the

school system, the application process, evaluation criteria, and the relative importance of each criteria (criteria weight).

All responses to the RFP will be considered to the maximum extent practical. The winning firm will be the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. [2 CFR 200.320\(d\)\(3\)](#) requires that the school system have a written method for conducting technical evaluations of the proposals received and for selecting recipients. The 6400 section of the Dare County Schools online Board Policy Code outlines the steps that will be taken by the Dare County Schools purchasing department. The method incorporates the procurement methods set forth in [N.C. G.S. 143-135](#). The contract will be awarded on a fixed-price or cost-reimbursement basis.

5. Contracts for Supplies and Food for the School Nutrition Program

Contracts for supplies and food for the school nutrition program will be made in accordance with the school system's procurement plan for the school nutrition program.

B. Service Contracts (Other Than Contracts for Architectural and Engineering Professional Services)

1. Contracts Costing No More Than \$10,000

Service contracts (other than contracts for architectural and engineering professional services) that do not exceed the current micro-purchase threshold (\$10,000) will be procured using the Uniform Guidance "micro-purchase" procedure ([2 CFR 200.320\(a\)](#)) and local standards. The micro-purchase threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

The contract may be awarded without soliciting pricing or bids if the price of the service is considered to be fair and reasonable. However, contracts must be made under conditions that foster competition among potential providers, when feasible. To the extent practicable, contracts must be distributed equitably among qualified providers.

2. Contracts Costing Over \$10,000 but No More Than \$250,000

Service contracts (other than contracts for architectural and engineering professional services) that cost over the current micro-purchase threshold (\$10,000) but do not exceed the current simplified acquisition threshold (\$250,000) will be procured using the Uniform

Guidance "small purchase" procedure ([2 CFR 200.320\(ab\)\(2\)](#)). The micro-purchase threshold and the simplified acquisition threshold are set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and are periodically adjusted for inflation.

The director of finance, requesting director or principal shall obtain price or rate quotes from an adequate number of qualified sources. A federal grantor agency might issue guidance interpreting "adequate number," so the director of finance should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued.

Contracts will be awarded to the lowest responsive, responsible bidder on a fixed-price basis or not-to-exceed basis.

3. Contracts Costing More Than \$250,000

Service contracts (other than contracts for architectural and engineering professional services) that cost more than the current simplified acquisition threshold (\$250,000) will be procured using the Uniform Guidance "sealed bid" procedure ([2 CFR 200.320\(eb\)](#)), unless the "competitive proposal" process as described in subsection II.B.4, below, is followed. The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

The bid solicitation must be publicly advertised for a period of time sufficient to give bidders notice of the opportunity to submit bids, which in most cases is seven full days. Formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid including electronic bid solicitation or use of the Interactive Purchasing System. The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained. Complete specifications must be made available to all bidders.

All bids must be submitted sealed. A 5% bid bond is required of all bidders (see [2 CFR 200.326](#), ~~2 CFR 200.325~~). Bids will be opened at the public bid opening on the date and time and at the location noticed in the public advertisement. A minimum of two bids must be received in order to open the bids.

The contract will be awarded to the lowest responsive, responsible bidder on a fixed-price basis. Any and all bids may be rejected only for sound documented reasons. Performance and payment bonds of 100% of the contract price are required of the winning bidder.

4. Certain Contracts

Certain service contracts (other than contracts for architectural and engineering professional services) may be procured using the Uniform Guidance "competitive proposal" procedure ([2 CFR 200.320\(d\)\(2\)](#)) when the "sealed bid" procedure is not appropriate for the particular type of service being sought. The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation. The director of finance shall secure prior approval from the federal grantor agency before using the competitive proposal procedure.

Under the competitive proposal procedure, the request for proposals (RFP) will be publicly advertised. The RFP will identify evaluation criteria and the relative importance of each criteria (criteria weight). Formal advertisement in a newspaper is not required so long as the method of advertisement will solicit proposals from an adequate number of qualified firms (a federal grantor agency may issue guidance interpreting "adequate number"). Request for proposals will be placed on the IPS Purchasing System by the director of finance with specs and all pertinent information as needed to be able to secure the best price to fit the needs being advertised. It may also be placed on the school website. If the bid is expected to exceed the minimum purchase threshold we will place proposals in outlets that will best help meet HUB participation goals set by the district.

All responses to the RFP will be considered to the maximum extent practical. The winning firm will be the responsible firm with most advantageous proposal taking into account price and other factors identified in the RFP. [\[2 CFR 200.320\(b\)\(2\)\(ii\)\]](#) requires that the school system have a written method for conducting technical evaluations of the proposals received and for selecting recipients. Technical evaluations would be handled by the requesting director in conjunction with the director of finance to ensure that the RFP has met the criteria given when the proposal was posted on the IPS system or advertised in whatever means has been done including the type of service requested, HUB participation. The RFP will be advertised for a period of 7 days. The contract will be awarded on a fixed-price or cost-reimbursement basis.

C. Construction and Repair Contracts

1. Contracts Costing No More Than \$10,000

Construction and repair contracts that do not exceed the current micro-purchase threshold (\$10,000) will be procured using the Uniform

Guidance "micro-purchase" procedure ([2 CFR 200.320\(a\)\(1\)](#)) and local standards. The micro-purchase threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

Soliciting bids is recommended, but not required, with the contract being below the minimum threshold for formal bidding we would conduct phone solicitations in the micro purchase range of under \$10,000 if the price of the goods or services is considered to be fair and reasonable. To the extent practicable, purchases must be distributed equitably among qualified suppliers.

2. Contracts Costing Over \$10,000 but No More Than \$250,000

Construction and repair contracts that cost more than the current micro-purchase threshold (\$10,000) but do not exceed the current simplified acquisition threshold (\$250,000) will be procured using the Uniform Guidance "small purchase" procedure ([2 CFR 200.320\(ab\)\(2\)](#)). The micro-purchase threshold and the simplified acquisition threshold are set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and are periodically adjusted for inflation.

The director of finance, other director or principal shall obtain price or rate quotes from an adequate number of qualified sources. A federal grantor agency might issue guidance interpreting "adequate number," so the director of finance should review the terms and conditions of the grant award documents to confirm whether specific guidance has been issued. The quotes may be solicited and submitted via telephone, fax, or email. Telephone quotes must immediately be placed in writing. Written quotations must be on the contractor's letterhead or an official quotation form.

Contracts will be awarded to the lowest responsive, responsible bidder on a fixed-price basis or not-to-exceed basis.

3. Contracts Costing More Than \$250,000 but Less Than \$500,000

Construction and repair contracts that cost more than the current simplified acquisition threshold (\$250,000) but less than \$500,000 will be procured using the Uniform Guidance "sealed bid" procedure ([2 CFR 200.320\(be\)\(1\)](#)). The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

The bid solicitation must be publicly advertised for a period of time sufficient to give bidders notice of the opportunity to submit bids. The

advertised period is seven full days. Formal advertisement in a newspaper is not required so long as other means of advertising will provide sufficient notice of the opportunity to bid including electronic bidding. The advertisement must state the date, time, and location of the public bid opening, and indicate where specifications may be obtained. Complete specifications must be made available to all bidders.

All bids must be submitted sealed. Bids will be opened at the public bid opening on the date and time and at the location noticed in the public advertisement. A minimum of two bids must be received in order to open the bids.

The contract will be awarded to the lowest responsive, responsible bidder on a fixed-price basis. Any and all bids may be rejected only for sound documented reasons

4. Contracts Costing \$500,000 or More

Construction and repair contracts costing \$500,000 or more will be procured using a combination of the most restrictive requirements of the Uniform Guidance "sealed bid" procedure ([2 CFR 200.320\(b\)\(1\)](#)) and state formal bidding procedures ([N.C. G.S. 143-129](#)).

The bid must be formally advertised in a newspaper that has general circulation in the area by electronic means, or both. The advertisement must be posted at least seven full days before the date of the opening of bids. The advertisement must designate the date, time, and location of the public bid opening, indicate where specifications may be obtained, and reserve to the board the right to reject any or all bids if there is a sound documented reason. Complete specifications or purchase description must be made available to all bidders.

All bids must be submitted sealed and in paper form. A 5% bid bond is required of all bidders. Bids will be opened at the public bid opening on the date and time and at the location noticed in the public advertisement. A minimum of three bids must be received in order to open all bids. A bid that does not include a bid bond cannot be counted toward the three bid minimum requirement.

The contract will be awarded to the lowest responsive, responsible bidder on a firm fixed-price basis. The board may reject any or all bids if there is a sound documented reason. Performance and payment bonds of 100% of the contract price are required of the winning bidder.

5. Additional Requirements for Contracts Costing \$300,000 or More

For construction or repair contracts involving a building costing \$300,000 or more, separate specifications will be drawn for the HVAC, electrical, plumbing, and general construction work as required under [N.C. G.S. 143-128\(a\)](#). In addition, the project will be bid using a statutorily authorized bidding method as required under [N.C. G.S. 143-128\(a1\)](#).

D. Contracts for Architectural and Engineering Services

1. Contracts Costing No More Than \$250,000

All contracts for architectural and engineering services that do not exceed the current simplified acquisition threshold (\$250,000), including those under \$50,000, will be procured using the selection process described in policy section 9000. The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation. Approval should be secured from the grantor agency before using this process due to lack of clarity in the Uniform Guidance. The contract must be in writing and include applicable Uniform Guidance contract provisions.

2. Contracts Costing Over \$250,000

Contracts for architectural and engineering services that cost more than the current simplified acquisition threshold (\$250,000) will be procured using the Uniform Guidance "competitive proposal" procedure ([2 CFR 200.320\(b\)\(25\)](#)). The simplified acquisition threshold is set by the Federal Acquisition Regulation at [48 CFR Subpart 2.1](#) and is periodically adjusted for inflation.

A request for qualifications (RFQ) will be publicly advertised to solicit qualifications from qualified firms. Formal advertisement in a newspaper is not required. RFQ process would include entering the data in the IPS system, advertising in local media, and electronic posting including on the school district website. Price will not be solicited in the RFQ. The RFQ will identify the evaluation criteria and relative importance of each criteria (criteria weight). Proposals must be solicited from an adequate number of qualified sources (a federal grantor agency may issue guidance interpreting "adequate number").

All responses to the RFQ will be considered to the maximum extent practical. Qualifications of respondents will be evaluated to rank respondents and select the best qualified firm. To evaluate the RFQ the director issuing the RFQ will work with the director of finance to ensure that the request is handled in the prescribed manner suggested including opening sealed requests on a designated date and time. If

multiple requests are required to be able to open the requests and they are not received, all RFQs will be rejected and the responding organizations will be notified that a second RFQ will be issued. Price will not be a factor in the selection of the most qualified firm.

Once the most qualified firm is selected, fair and reasonable compensation will be negotiated. If negotiations with the most qualified firm are not successful, negotiations will be repeated with the second-best qualified firm. The contract will be awarded to the best qualified firm with whom fair and reasonable compensation is successfully negotiated.

III. Exceptions

Non-competitive contracts are allowed only under the following conditions and with the written approval of the federal agency or state pass-through agency that awarded the federal funds.

A. Sole Source

A contract may be awarded without competitive bidding when the item is available from only one source. The director of finance shall document the justification for and lack of available competition for the item. Documentation should include a statement on company letterhead stating that no other company sells the goods or service, and it is done strictly with the one company and defined location. A sole source contract must be approved by the board.

B. Public Exigency

A contract may be awarded without competitive bidding when there is a public exigency. A public exigency exists when there is an imminent or actual threat to public health, safety, and welfare, and the need for the item will not permit the delay resulting from competitive bidding.

C. Inadequate Competition

A contract may be awarded without competitive bidding when competition is determined to be inadequate after attempts to solicit bids from a number of sources as required under this regulation does not result in a qualified winning bidder.

D. Federal Contract

A contract may be awarded without competitive bidding when the purchase is made from a federal contract available on the U.S. General Services Administration schedules of contracts.

E. Awarding Agency Approval

A contract may be awarded without competitive bidding with the express written authorization of the federal agency or state pass-through agency that awarded the federal funds so long as awarding the contract without competition is consistent with state law.

Adopted: June 28, 2018

Revised: May, 2023

Dare County Board of Education

Policy Code: 8300 Fiscal Management Standards

In recognition of the trust and responsibility placed with the board to manage financial resources for the local educational program, the board establishes the following standards.

1. The board and all employees of the school system will manage and use available funds efficiently and effectively to meet the goals of the local board and State.
2. Effective accounting, financial reporting, and management control systems will be designed, maintained, and periodically reviewed to (a) enable the board and school system to have access to accurate, reliable, and relevant data; (b) provide assurance that school system obligations are paid in a timely manner and that accounts are not overspent; (c) provide assurance that funds and records are safeguarded at all times; and (d) 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 DCS Financial Services Department shall keep the board sufficiently informed regarding the budget through periodic financial statements showing the financial condition of the school system, other periodic reports, and any other appropriate means so that the board can deliberate upon and evaluate the budget.
4. No moneys will be expended, regardless of the source (including moneys derived from federal, state, local, or private sources), except in accordance with the board's budget resolution or amendments to the budget resolution. The superintendent is authorized to transfer moneys from one appropriation to another within the same fund, subject to such limitations and procedures as may be prescribed by board resolution or state or federal law or regulation. Any such transfers must be reported to the board at its next regular meeting and recorded in the minutes.
5. All receipts and disbursements shall be accounted for according to generally accepted accounting principles for governmental entities.
6. Each employee responsible for handling school system funds or funds of individual schools shall comply with all applicable state and federal laws and regulations, board policies, administrative procedures, and any applicable procedures, requirements, or guidelines established by the finance officer.
7. Principals and school improvement teams must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.

Legal References: [G.S. 115C-105.25, -425, -433](#)

Cross References:

Issued: May __, 2023

Policy Code: 8310 Annual Independent Audit

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 that complies with the requirements of [20 N.C.A.C. 03.0502\(c\)](#). 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 who fails to cooperate may be subject to disciplinary action, up to and including dismissal, and also may be found guilty of criminal conduct.

The board will receive the report and opinion of the auditor and will arrange for the auditor to present to the board the audited financial statements, compliance reports, if any, and other information as specified in the audit contract. The presentation must be in an official meeting in open session, held as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary of the Local Government Commission.

If required by 20 N.C.A.C. 03.0508, the board will submit a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters" to the Secretary of the Local Government Commission pursuant to that rule within 60 days of the auditor's presentation to the board.

Legal References: [G.S. 115C-447](#); [20 N.C.A.C. 03.0502](#), [03.0508](#)

Cross References: Professional Employees: Demotion and Dismissal (policy 7930),
Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: March 8, 1994

Revised: June 8, 2021

Revised: May ____, 2023

Dare County Board of Education