



WATAUGA BOARD OF EDUCATION

Margaret E. Gragg Educational Center
175 Pioneer Trail Boone, NC 28607
(828) 264-7190

WATAUGA COUNTY BOARD OF EDUCATION MEETING Electronic Meeting Originating at Margaret E. Gragg Educational Center

Link to meeting: <https://bit.ly/3aDnsw3>

View: WCS Board Meeting May 11, 2020

AGENDA

May 11, 2020

5:30 P.M.

- | | | | |
|------|----|---|---|
| 5:30 | 1. | CALL TO ORDER | Board Chair |
| 5:32 | 2. | CLOSED SESSION | |
| | | A. Approval of Minutes | |
| | | B. Reportable Offenses – N.C.G.S.115C-288(g) | |
| | | C. Student Records - N.C.G.S.143-318.11(a)(1) | |
| | | D. Personnel – N.C.G.S.143-318.11(a)(6) | |
| 6:00 | 3. | OPEN SESSION/WELCOME/MOMENT OF SILENCE | Board Chair |
| 6:03 | 4. | DISCUSSION AND ADJUSTMENT OF AGENDA | Board Chair |
| 6:06 | 5. | SUPERINTENDENT'S REPORT | Dr. Scott Elliott |
| 6:11 | 6. | STUDENTS' REPORT | Ms. Emerson Huffman
Ms. Haleigh Lawson |
| 6:16 | 7. | CONSENT AGENDA | |
| | | A. Approval of Minutes for 04/6/20 | Dr. Scott Elliott |
| | | B. Surplus Declaration Request | |
| | | C. Budget Amendment #2 | |
| | | D. Approval of Amendment No.4 to Agreement for Purchase and Sale of Real Property | |
| | | E. Approval of Amended Watauga County Schools Calendar due to COVID Closure | |
| | | F. Personnel Report | |

----- BREAK -----

6:26 8. POLICIES: SUBSTANTIVE CHANGES FOR FIRST READ Dr. Wayne Eberle

- A. 1402 Remote Participation in Board Meetings
- B. 4325 Drugs and Alcohol
- C. 4333 Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety
- D. 4400 Attendance
- E. 4700 Student Records
- F. 5015 School Volunteers
- G. 5050 Emergency Closings
- H. 6125 Administering Medicines to Students
- I. 6420 Contracts with the Board
- J. 7360/8225 Crowdfunding on Behalf of the School System

6:56 9. POLICIES: SUBSTANTIVE CHANGES FOR SECOND READ Dr. Wayne Eberle

- A. 4334/5035/7345 Use of Unmanned Aircraft (Drones)
- B. 4040/7310 Staff-Student Relations
- C. 7100 Recruitment and Selection of Personnel
- D. 7130 Licensure
- E. 7240 Drug-Free and Alcohol-Free Workplace
- F. 7410 Teacher Contracts

7:11 10. PUBLIC COMMENT Board Chair

Note: Anyone who wishes to address the Board should send an email to Superintendent, Dr. Scott Elliott at elliotts@wataugaschools.org prior to the board meeting on Monday, May 11, 2020

7:21 11. BOARD OPERATIONS

7:26 12. BOARD COMMENTS

7:31 13. ADJOURNMENT

14. MISCELLANEOUS INFORMATION



WATAUGA COUNTY BOARD OF EDUCATION

Margaret E. Gragg Educational Center
175 Pioneer Trail Boone, NC 28607
(828) 264-7190 (828) 264-7196

DATE: April 6, 2020

PRESENT:

Ron Henries, Brenda Reese,
Gary Childers, Steve Combs,
Jay Fenwick, Dr. Scott Elliott,
Superintendent, Dr. Steven Martin,
Asst. Superintendent

TIME: 6:00 p.m.

PLACE: Electronic Meeting Originating at Margaret E. Gragg Educational Center

CALL TO ORDER

OPEN SESSION

Mr. Ron Henries, Board Chair, called the meeting to order in open session at 6:00 PM. He began the meeting with a moment of silence.

DISCUSSION AND ADJUSTMENT OF AGENDA

There were no adjustments to the agenda

SUPERINTENDENT'S REPORT

Dr. Elliott greeted all of the board who were attending the first ever electronic board meeting that evening due to social distancing and limited gathering mandates. He thanked everyone who was viewing the livestream on the school system's YouTube channel.

He thanked the students, parents, teachers, and administration for their grace during the unprecedented month prior to that day, when schools were required to suspend meeting at the buildings. The closure had been extended through May 15, 2020, and remote learning was occurring throughout Watauga County Schools (WCS). He noted the extraordinary efforts of staff to prepare and distribute lessons, materials and chrome books to students from 3rd to 12th grade, and the school nutrition department along with staff to distribute what would amount to over 50,000 meals by the end of that week. All of this planning and implementation had occurred within three weeks. He thanked the community for their efforts to supply masks to the staff involved in food preparation and delivery, and for donations and distribution of food and treats to be consumed during the spring break week. He noted that the Twitter account would contain updates as well as the school website.

Dr. Elliott asked the student representatives, who were also in attendance electronically, to describe their thoughts about the remote learning process. Ms. Huffman stated that she missed everyone each day, and that she valued the opportunity to attend school more than she thought she would. She thanked the board, teachers, and students for their hard work to make the remote learning work. She said that the students noticed and understood the effort behind this sudden change, and they thought that the program was going well. Ms. Lawson echoed Ms. Huffman's comments and appreciated all of the updates to keep everyone informed. She said that it was heartwarming to see all of the students continuing to be fed, noting that this was touching and benefiting children all across Watauga. She felt that the transition to online learning had been smooth for most, and that she was thankful to stay connected during this difficult time.

Dr. Elliott thanked the students for their comments and encouraged all students to continue receiving meals throughout the school-building closure, noting that the faith-based partners would provide food on Monday and Tuesday during spring break from various locations.

CONSENT AGENDA

Mr. Henries stated that items in the consent agenda were typically routine approvals. He listed the items for approval, noting that the firm which had for many years provided auditing services had decided not to continue auditing school business. After issuing a request for proposal (RFP), three firms were reviewed and one selected for board approval. Dr. Childers asked if any local firms had responded to the RFP. He also noted that a budget was proposed which would be the beginning of the process for a 2020-2021 final budget and that input from the county commissioners would next be sought.

Dr. Fenwick asked for a description of budget items listed as Educators Handbook and the Eco-structure program. Dr. Elliott explained the items and also noted that the energy management program was outdated and needed to be updated. Dr. Elliott responded that there was also an increase in the Technology budget that was offset with a corresponding decrease in another department. Dr. Elliott stated that this was a high level view of the proposed items and due to potential state budget cuts related to probable reduced tax receipts due to coronavirus. The budget would likely see revisions over the next few months. Dr. Elliott stated that the budget would be presented to Mr. Geouque, the County manager, to start the process for local funding. He noted that at that time they would thank the county in particular for the funding of our technology which has enabled our remote learning during these past few weeks. Dr. Fenwick thanked the Finance committee for the tough decisions that they had needed to make during the process.

Steve Combs moved to approve items A through F of the Consent Agenda. Brenda Reese seconded the motion, and the vote to approve these items was unanimous.

PUBLIC COMMENTS

Mr. Garrett Price, Public Information Officer, read the emails which had been sent from the public.

The first was from Mr. David Jackson, the parent of Parkway school students, who commended the Board of Education, Dr. Elliott, and all school teachers and staff for the smooth transition to remote learning, their efforts to keep students engaged in learning, embracing the challenge, and to continue feeding the students during school closure. He commented on the positivity displayed to create a creative atmosphere for the students and community. He noted that this was felt at all schools.

The second comment was from Mr. Lyle Schoenfeldt and focused on his and other's opposition on the potential purchase of land in the Valle Crucis area for the construction of a new school. He urged the board to reconsider their approval of the purchase, citing examples of high cost, potential flooding, traffic, safety concerns, environmental concerns, damage to the historic nature of Valle Crucis, and building restrictions of the land. In light of the potential reduction of tax revenues due to the coronavirus, he requested that they defer the project to another time.

BOARD OPERATIONS

There were no comments for Board operations at the April Meeting.

BOARD COMMENTS

Steve Combs thanked Dr. Elliott for all his efforts to make school function during the coronavirus. He also thanked all of the teachers, and also other staff for efforts to feed the children. Brenda Reese thanked all the teachers, and noted that words seemed inadequate. She stated that messages had been sent from Delta Kappa Gamma to all of the WCS teachers, who then commented about how much this meant to them. She spoke about change being an event rather than a process, a philosophy of Mitchell Yates, and that with the event of the coronavirus, she now agreed. Gary Childers agreed with Ms. Reese that words of thanks seemed inadequate, but stated his gratitude to everyone for their efforts. He made the comment that Dr. Elliott's tweet regarding the focus of Watauga County Schools during the COVID crisis which had been to support students' learning and needs, and to feed them, had resonated around the state and world with colleagues in education. Jay Fenwick publicly thanked Dr. Elliott for doing amazing work and extended that to everyone involved for continuing efforts to teach, support the students and families, and keep them fed which had been so valuable to the functioning and unity of the community. Dr. Fenwick shared Dr. Elliott's sentiments. He shared the exciting things that he had seen on social media displaying creativity by teachers. He asked about the meal delivery and clarified which meals were being served. Dr. Elliott thanked Monica Bolick, School Nutrition Director, and Jeff Lyons, Transportation Director for their scheduling and efforts to provide and deliver meals to those in the county. Steve Combs echoed his thanks to those directors. Dr. Childers expressed how impressed he was at the creativity, the use of technology, and other learning strategies and commended them for their work. Mr. Henries shared a quote of Winston Churchill relating that it was important to move from one failure to another failure with no loss of enthusiasm. He wanted to restate the quote to apply to WCS, who were moving from one challenge to another challenge with no loss of enthusiasm. He credited this to everyone in the system, held up WCS as a leader during this situation, and felt that WCS would be lauded as the standard for all school systems in a crisis situation.

ADJOURNMENT

Steve Combs moved to adjourn, which was seconded by Jay Fenwick and approved by all members at 6:40 PM.

R. Ivan Henries, Board Chair

Dr. Scott Elliott, Superintendent

Declaration of Surplus Items - May 2020

Date Approved:

Bethel

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>Usable</u>	<u>Unusable</u>
	1	4 Drawer Filing Cabinet	1	
	2	Dry Erase Board		2
	1	Large Science Table		1
	2	Harpsichord	2	
	1	Gray Filing Cabinet	1	
	7		4	3

Green Valley

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>Usable</u>	<u>Unusable</u>
401147	1	Motorola Two-Way Radio		1
	1		0	1

Parkway

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>Usable</u>	<u>Unusable</u>
28000963	1	Sentry 3000 Scanner		1
	1	Toshiba Laptop		1
	1	HP Computer Monitor		1
700022	1	Dukane Document Camera 335		1
	4		0	4

Watauga High School

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>Usable</u>	<u>Unusable</u>
	1	Apollo Transparency Projector	1	
	3	Portable Projection Screens	3	
	1	Sharp Television	1	
	1	Zenith Television	1	
904288	1	JVC VCR/DVD Player	1	
905522	1	Samsung Slim SE-208 DVD Writer		1
903649	1	Samsung DVD/VHS Player		1
904300	1	Zenith DVD Player		1
904306	1	Zenith DVD Player		1
905175	1	Elmo TT-02RX Document Camera		1
900272	1	Dell Optiplex 360 Desktop Computer		1
	11		7	4

Technology Department

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>-</u> <u>Usable</u>	<u>-</u> <u>Unusable</u>
28615	<u>1</u>	Samsung Chromebook 2	<u>1</u>	<u>1</u>
	1		0	1

Maintenance Department

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>-</u> <u>Usable</u>	<u>-</u> <u>Unusable</u>
51522	1	Milwaukee Hammer Drill M18		1
50091	1	Dell Optiplex 360 Desktop		1
700380	1	Dell Optiplex 755 Desktop		1
28464	1	Epson Workforce 2540 Printer		1
50893	1	4 Drawer Legal Wooden File Cabinet		1
50776	1	4 Drawer Wooden File Cabinet		1
904100	1	SmartTech Projector UF65		1
50128	1	Dell Optiplex GX620 Desktop		1
50892	1	Dell Optiplex GX240 Desktop		1
25685	<u>1</u>	Dell Optiplex 755 Desktop	<u>1</u>	<u>1</u>
	10		0	10

Child Nutrition

<u>Asset #</u>	<u>Quantity</u>	<u>Description</u>	<u>-</u> <u>Usable</u>	<u>-</u> <u>Unusable</u>
	<u>1</u>	Market Forge Double Stack Convection Oven	<u>1</u>	<u>1</u>
	1		1	0



WATAUGA COUNTY BOARD OF EDUCATION

Margaret E. Gragg Education Center
175 Pioneer Trail, Boone, NC 28607

MEMORANDUM

TO: Dr. Scott Elliott, Superintendent
Members, Watauga County Board of Education

FROM: Ly Marze, Finance Officer

DATE: May 11, 2020

RE: 2019-20 Budget Amendment #2

Attached is Budget Amendment #2 that changes totals in Watauga County Schools 2019-20 adopted budget.

After approval of this Budget Amendment, the budget for all funds will appear as follows:

<u>Fund</u>	<u>Adopted Budget</u>	<u>Amendments</u>	<u>Amended Budget</u>
Local Current Expense	\$ 14,187,674	\$ 0	\$ 14,187,674
State Public School	31,225,047	178,066	31,403,113
Federal Grants	2,083,852	0	2,083,852
School Nutrition	1,780,100	0	1,780,100
Extended Learning Centers	510,838	0	510,838
Capital Outlay	2,594,419	0	2,594,419
Special Revenue	622,101	0	622,101
Total	\$ 53,004,031	\$ 178,066	\$ 53,182,097

Watauga County Schools
BUDGET AMENDMENT #2
May 11, 2020

Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2020.

BA #2-1 Explanation:

This amendment is to budget state transfers and additional state allotment dollars as reflected in DPI revisions #42-51.

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
1.5110.015.311	School Technology Fund	49
1.5350.016.121	Summer Reading Camp	(25,317)
1.5210.063.142	Special Program Funds - EC	39,225
1.5110.130.412	State Textbooks	30,228
1.5110.154.411	COVID-19 Supplemental Funds	133,881
	Total Appropriations	178,066

Revenues:

<u>Account Number</u>	<u>Account Title</u>	<u>Amount</u>
1.3100	State Allocation	147,838
1.3211.130	State Textbooks	30,228
	Total Revenues	178,066

Amendment No. 4 to Agreement for Purchase and Sale of Real Property

THIS Amendment No. 4 to Agreement for Purchase and Sale of Real Property ("Amendment No. 4") is entered into by and between the Watauga County Board of Education ("Buyer"), and Joy H. Pritchett, Gay H. Isaacs, and Roy Lee Hodges, Jr. (the "Seller").

WHEREAS, the parties hereto entered into a written "Agreement for Purchase and Sale of Real Property" ("the Contract"); and

WHEREAS, the Sellers executed the Contract on March 3, 2019 and the Buyer caused its Superintendent to execute the Contract in its name on March 28, 2019;

WHEREAS, on June 3, 2019, the parties entered into Amendment No. 1 to the Contract, which extended the Examination Period set forth in the Contract to November 15, 2019;

WHEREAS, on November 8, 2019, the parties entered into Amendment No. 2 to the Contract, which extended the Examination Period set forth in the Contract to March 16, 2020;

WHEREAS, on March 12, 2020, the parties entered into Amendment No. 3 to the Contract, which extended the Examination Period set forth in the Contract to April 30, 2020; and

WHEREAS the Buyer has engaged in due diligence and now finds that it needs an extension of time to perform certain final inspections, and the Seller has agreed to grant such extension subject to the terms of this Amendment No. 4.

NOW, THEREFORE, in consideration of the Further Additional Earnest Money, mutual promises herein, and other good and valuable consideration, the sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Examination Period is hereby extended to July 30, 2020.
2. Closing shall occur within thirty (30) days following the end of the Examination Period.
3. As further consideration for the extension granted herein, the Buyer shall pay to the Seller further earnest money in the amount of Ten Thousand and No/100 Dollars (\$10,000; the "Further Additional Earnest Money"). The Further Additional Earnest Money shall not be refundable but shall be credited toward the Purchase Price at Closing, as set forth in the Contract.
4. Reaffirmation of Contract Provisions - It is the intent of the parties that:
 - a) The Buyer shall retain the right to decline to purchase the Property prior to the end of the Examination Period for any valid reason in the Buyer's discretion, as stated in the Contract.
 - b) After the expiration of the Examination Period, the Buyer retains the right to decline to purchase the Property in the event that it does not meet one or more conditions of the Contract, as stated in Section 6 and in Exhibit B, and elsewhere in the Contract.

c) The Seller shall keep the Additional Earnest Money already paid to the Seller in the amount of \$10,000 pursuant to Amendment No. 2; shall keep the Further Additional Earnest Money in the amount of \$5,000 paid pursuant to Amendment No. 3, and shall keep the Further Additional Earnest Money in the amount of \$10,000 pursuant to this Amendment No. 4, even if the Buyer does not purchase the Property for any of the reasons stated in sections 4.a. or 4.b. above. In either such event, the Seller shall have and keep these additional earnest money funds, in the total amount of \$25,000, as its sole remedy.

d) If the Buyer does not purchase the Property for any other reason after the expiration of the Examination Period, then the Seller shall also be paid, in addition to the Additional Earnest Money and Further Additional Earnest Money, the original Earnest Money in the amount of \$10,000 pursuant to the Contract, with such funds to be the Seller's sole remedy in such event.

5. Except as amended hereby, the Contract shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have each caused this Amendment to be executed by themselves or their duly authorized representatives.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

BUYER

The Watauga County Board of Education

By: Scott Elliott

Name: Dr. Scott Elliott

Title: Superintendent

Date: 4/30/20

SELLER

By: Joy H. Pritchett

Name: Joy H. Pritchett

Date: 4/30/2020

SELLER

By: Gay H. Isaacs

Name: Gay H. Isaacs

Date: 4-30-2020

SELLER

By: Roy Lee Hodges, Jr.

Name: Roy Lee Hodges, Jr.

Date: 4/30/20



Watauga County Schools
Educating for Productive Citizenship & Life-Long Learning
2019-2020 School Calendar

BOE Approved
12/10/2018
Updated 4/28/2020

August 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

September 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

October 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

November 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

December 2019

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

August

13-16.....Mandatory Work Days
 19.....First Day of 180 Day Term

September

2.....Labor Day Holiday
 18.....Early Release/Professional Development Day for Staff

October

18.....End of First Quarter
 24-25.....Early Release/Parent Conferences

November

11.....Veterans Day Holiday
 12.....Optional Work Day
 27.....Early Release Day
 28-29.....Thanksgiving Holidays

December

2.....Optional Work Day
 11, 13.....Optional Work Days
 20.....Early Release/
 End of First Semester
 23.....Annual Leave
 24-26.....Christmas Holidays
 27, 30-31.....Annual Leave

January

1.....New Year's Holiday
 2.....Annual Leave
 3.....Optional Work Day
 6.....Students Return/
 Beginning of Second Semester
 7.....Optional Work Day
 20-21.....Optional Work Days

February

7.....Optional Work Day
 20,21.....Annual Leave

March

16-20.....Optional Work Days
 18.....End of Third Quarter

April

13-14.....Spring Holidays
 15-17.....Annual Leave

May

25.....Holiday
 29.....Last Day of 2019-2020 School Year

June

1-5.....Mandatory Work Days
 8-11.....Optional Work Days

January 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

February 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

March 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23 R	24 R	25 R	26 R	27 R	28
29	30 R	31 R				

April 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 R	2 R	3 R	4
5	6 R	7 R	8 R	9 R	10 R	11
12	13	14	15	16	17	18
19	20 R	21 R	22 R	23 R	24 R	25
26	27 R	28 R	29 R	30 R		

May 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1 R	2
3	4 R	5 R	6 R	7 R	8 R	9
10	11 R	12 R	13 R	14 R	15 R	16
17	18 R	19 R	20 R	21 R	22 R	23
24	25	26 R	27 R	28 R	29 R	30
31						

June 2020

Sun	Mon	Tue	Wed	Thu	Fri	Sat
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

- Mandatory Work Days (5)
- Optional Work Days (14)
- Annual Leave (10)
- Holidays (11)
- Early Release Days (5)
- School Closed for Inclement Weather
- COVID-19 Closure
- Remote Learning

REMOTE PARTICIPATION IN BOARD MEETINGS

Policy Code: 1402

The Watauga County Board of Education (the "board") acknowledges that attendance at board meetings is essential for its members to perform their official duties and to add to the diversity of thought and opinion in the board's deliberations. The board strongly encourages its members to be physically present for all board meetings. The board recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. It further recognizes that advances in technology, such as audio and video conferencing, have made it possible for members to communicate and deliberate with each other from remote locations. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by the Open Meetings Law, G.S. 143-318.9 *et seq.*, the board authorizes remote participation in board meetings subject to the following procedures and requirements.

A. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION

1. The board authorizes remote participation consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 1600, Hearings Before the Board, or other quasi-judicial proceeding.
2. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:
 - a. personal illness, disability, order of quarantine or isolation, or government-issued "stay-at-home" mandate;
 - b. out-of-town travel;
 - c. unexpected lack of child-care;
 - d. family member illness or emergency;
 - e. weather conditions;
 - f. military service;
 - g. employment obligations;
 - h. a scheduling conflict; or
 - i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person.

3. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.
4. No board member may participate remotely more than three times during a calendar year; however, in justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

B. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION

1. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not merely for the closed session portion of the meeting or a limited number of agenda items.
2. A board member participating remotely will be considered present at the meeting for purposes of establishing a meeting quorum and will be entitled to participate in open session deliberations at the meeting if:
 - a. the member is able to hear other members of the board and any members of the public present at the meeting who are recognized by the board during public comment;
 - b. all persons present at the meeting location are able to hear the board member who is participating remotely; and
 - c. when video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.
3. A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.
4. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:
 - a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and

- b. any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.

C. PROCEDURE FOR REMOTE PARTICIPATION

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made.
2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.
3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.
4. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.
5. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.
6. All votes taken will be by voice vote (rather than by a show of hands).
7. Participation by electronic communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.
8. Any costs associated with remote participation other than normal telephone or Internet connection shall be borne by the remote participant.

D. ELECTRONIC BOARD MEETINGS

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, in times of emergency, including natural disasters and health emergencies requiring quarantine or isolation, or resulting in government-issued "stay-at-home" orders, the board may find it necessary to meet completely electronically, without the physical presence of a quorum. In such cases, appropriate notice will be given as

required by G.S. 143-318.12. Such notice will include publication of a reasonable means by which the public and media may hear or witness the board's discussion, deliberation, and decision making. Minutes of the meeting may be kept in the form of sound or video and sound recording and shall record the names of the members participating electronically.

The superintendent is directed to provide the technology sufficient to implement this policy in accordance with all applicable laws.

Legal References: G.S. ch. 143, art. 33C; N.C. Attorney General Advisory Letter to McCloud, (March 26, 2020), copy available at <https://www.ncsba.org/wp-content/uploads/2020/03/Open-Meetings-advisory-letter.pdf>

Cross References: Board Meetings (policy 1400), Compliance with the Open Meetings Law (policy 1420), Closed Sessions (policy 1421), Board Meeting News Coverage (policy 1425), Quorum (policy 1441), Hearings Before the Board (policy 1600)

Adopted:

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated. The superintendent is responsible for ensuring that this policy is consistently applied throughout the school system.

This policy applies to students while on school property or at a school-sponsored event or activity (whether on or off school property) and at any other time or place where the conduct is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

A. PROHIBITED BEHAVIOR

1. Students are prohibited from possessing, using, transmitting, selling, delivering, manufacturing, or being under the influence of any of the following substances:

a. narcotic drugs;

b. hallucinogenic drugs;

c. amphetamines;

d. barbiturates;

e. marijuana; or any other controlled substance;

f. synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2");

g. any other controlled substance;

h. any alcoholic beverage, malt beverage, fortified or unfortified wine or other intoxicating liquor; or

i. any chemicals, substances or products procured or used with the intention of bringing about a state of exhilaration or euphoria or of otherwise altering the student's mood or behavior; or

j. any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under state or federal law.

2. Students also are prohibited from possessing, using, selling, delivering, or manufacturing transmitting or selling drug paraphernalia or counterfeit (fake) drugs.

3. Students are prohibited from possessing, using, selling, delivering, or manufacturing drug paraphernalia, including but not limited to rolling papers, roach clips, lighters, matches, vaping devices, vape liquid containers, pipes, syringes, and other delivery devices for prohibited substances.

~~Students may not participate in any way in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.~~

4. Possession or use of prescription and over-the-counter drugs is not in violation of this policy if such drugs are possessed and used in accordance with policy 6125, Administering Medicines to Students. Students are prohibited from possessing, using, selling, delivering, or sharing prescription or over-the-counter drugs, except in accordance with policy 6125, Administering Medicines to Students. A student who possesses or uses a prescription or over-the-counter drug in accordance with policy 6125 does not violate this policy.

5. A student is not in violation of this policy for being under the influence of a prohibited substance following its proper use as a medication lawfully prescribed for the student by a licensed health care practitioner.

6. Students may not participate in any way in the selling or delivering of prohibited substances, regardless of whether the sale or delivery ultimately occurs on school property.

7. The principal may authorize other lawful uses of substances that are otherwise prohibited by this policy, such as for approved school projects.

B. CONSEQUENCES

As required by policy 4335, Criminal Behavior, the principal must report to the appropriate law enforcement agency any student who has used or possessed a controlled substance in violation of law while on school property.~~prohibited substances in violation of this policy.~~

The disciplinary consequences for violations of this policy ~~shall~~ will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 18B-301; 20-11(n1); ch. 90 art. 5 and art. 5B; 115C-47, -276, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicines to Students (policy 6125)

| Adopted: April 13, 2015

| Replaces: Policy 5.07.50, Substance Abuse

| Revised:

WEAPONS, BOMB THREATS, TERRORIST THREATS, AND CLEAR THREATS TO SAFETY

Policy Code:

4333

The Watauga County Board of Education (the “board”) will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats, or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as is necessary to provide a safe and orderly environment for learning.

A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using, or transmitting, whether concealed or open, any weapon or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include, but are not limited to the following:

- a. loaded and unloaded firearms, including guns, pistols, and rifles;
- b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades, and mines;
- c. nuclear, biological, or chemical weapons of mass destruction as defined in G.S. 14-288.21(c);
- ~~e~~.d. knives, including pocket knives, bowie knives, switchblades, dirks, and daggers;
- ~~d~~.e. slingshots and slungshots;
- e.f. leaded canes;
- f.g. blackjacks;
- ~~g~~.h. metal knuckles;
- h.i. BB guns;
- ~~i~~.j. air rifles and air pistols;
- j.k. stun guns and other electric shock weapons, such as tasers;
- k.l. icepicks;

~~l~~.m. razors and razor blades (except those designed and used solely for personal shaving);

~~m~~.n. fireworks;

~~n~~.o. gun powder, ammunition, or bullets;

~~o~~.p. any sharp pointed or edged instruments except unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance; and

~~p~~.q. mace, pepper spray, and other personal defense sprays.

Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage, or aid another student to possess, handle, or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person with such an item, or who becomes aware that another student or other person intends to possess, handle, or use such an item must notify a teacher or the principal immediately. Middle and high school students may also utilize the anonymous safety tip line for reporting risks to the school population.

This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from:

- a. ~~making, aiding, and/or abetting in making a bomb threat, regardless of whether the student intends to or has the means to carry out the threat;~~
- b. ~~or~~ ~~perpetrating a bomb hoax against school system property by making a false report, knowing or having reason to know the report is false, that a bomb or other device designed to cause damage or destruction by explosion, blasting, or burning is located on school system property or at a school system event.~~
- c. perpetrating a bomb hoax by concealing, placing, or displaying any device on school system property or at a school system event, so as to cause any person reasonably to believe the same to be a bomb or similar device intended to cause injury to persons or property; and

- d. ~~No student may knowingly or willfully causing, encouraging, or aiding cause, encourage, or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat, or perpetrate a bomb hoax must notify a teacher or the principal immediately.~~

3. Terrorist Threats

~~Students are prohibited from making, aiding, conspiring, and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by:~~

- a. ~~threatening to commit an act of mass violence on school property or at a school system event, regardless of whether the student intends to or has the means to carry out the threat;~~
- b. ~~making a report, knowing or having reason to know the report is false, that an act of mass violence is going to occur on school property or at a school system event;~~
- c. ~~making a false report, knowing or having reason to know the report is false, that a device, substance, or material designed to cause harmful or life-threatening injury to another person is located on school system property or at a school system event; or~~
- d. ~~concealing, placing, disseminating, or displaying on school system property or at a school system event any device, substance, or material, so as to cause a reasonable person to believe the same to be a weapon of mass destruction or to be intended to cause harmful or life-threatening illness or injury to another person.~~

No student may knowingly or willfully cause, encourage, or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance, or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat, or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

- b. the intentional and malicious burning of any structure or personal property, including any vehicle;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person;
- d. an attack by a student on any employee, adult volunteer, or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless, or negligent act that results in the death of another person;
- g. confining, restraining, or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
- i. taking or attempting to take anything of value from the care, custody, or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
- k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
- l. any behavior resulting in a felony conviction on a weapons, drug, assault, or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel, and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon, or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle, or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary, or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine, or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18, -27.21 through -27.30, ~~27.5A~~, -32, -33, -34 through -34.2, -41, ~~-49, -49.1~~, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, ~~-202.1, -202.2~~, -208.18, -269.2, -277.5, -277.6, ~~-283, -288.8, -288.21, -288.22, -288.23, -288.24~~; ch. 90 art. 5; 115C-47, -105.51, -276(r), -288, -307, -390.1, -390.2, -390.10

Cross References: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: May 11, 2015

Revised: June 13, 2016; November 14, 2016; April 8, 2019

Replaces: Policy 5.07.80, Threat Against The General Population and Policy 5.07.85, Weapons Prohibited on School Property

Attendance in school and participation in class are integral parts of academic achievement and the teaching-learning process. Through regular attendance, students develop patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory. The State of North Carolina requires that every child in the State between the ages of 7 (or younger if enrolled) and 16 attend school. Parents and legal guardians are responsible for ensuring that students attend and remain at school daily.

A. ATTENDANCE RECORDS

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

B. LAWFULLY EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day the student returns after an absence. Absences due to extended illnesses may also require a statement from a physician. An absence may be lawfully excused for any of the following reasons:

1. personal illness or injury that makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s) or legal guardian;
7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;
8. pregnancy and related conditions or parenting, when medically necessary; or
9. a minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's ~~at the discretion of the superintendent or designee, if the parent or legal guardian~~ (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military

Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

In the case of excused absences, ~~and~~ short-term out-of-school suspensions, and absences under G.S. 130A-440 (for failure to submit a school health assessment form within 30 days of entering school) the student will be permitted to make up his or her work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

C. SCHOOL-RELATED ACTIVITIES

All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);
3. school-initiated and -scheduled activities;
4. athletic events that require early dismissal from school;
5. Career and Technical Education student organization activities approved in advance by the principal; and
6. in-school suspensions.

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

D. EXCESSIVE ABSENCES

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class. Students who are excessively tardy to school or class may be subjected to additional disciplinary actions.

The principal shall notify parents and take all other steps required by G.S. 115C-378 for excessive absences. Students may be suspended for up to two days for truancy.

The principal or committee shall review other measures of academic achievement, the circumstances of the absences, the number of absences, and the extent to which the student completed missed work. A committee may recommend to the principal and the principal may make any of the following determinations:

1. the student will not receive a passing grade for the semester;
2. the student's grade will be reduced;
3. the student will receive the grade otherwise earned; or
4. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made.

Students with excused absences due to documented chronic health problems are exempt from this policy. In addition, for students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies ATND-000, -003, NCAC-0076E.0104

Cross References: Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Homeless Students (policy 4125), Short-Term Suspension (policy 4351)

Adopted: February 9, 2015

Revised: March 14, 2016; August 14, 2017 (Legal references only); August 13, 2018

Replaces: Policy 5.02.20, Attendance Requirements

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of student records retained at the school. For purposes of this policy “student records” or “student education records” are those records, files, documents, and other materials that contain information directly related to the student that are maintained by the school system or by a party acting for the school system.

A. ANNUAL NOTIFICATION OF RIGHTS

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student’s education records and the procedure for exercising this right;
2. the right to request amendment of the student’s education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student’s privacy rights; and the procedure for exercising this right;
3. the right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent;
4. the type of information designated as directory information and the right to opt out of release of directory information;
5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;
6. the right to opt out of releasing the student’s name, address, and phone number to military recruiters or institutions of higher education that request such information;
7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;
8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

For purposes of this policy, the term “parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student’s records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student’s records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

1. Student Education Records

Student education records may be separated into several categories, including, but not limited to, the following.

a. Cumulative Records

The cumulative record is the official record for each student. The

cumulative record includes student identification information, such as the student's name, address (or a homeless student's living situation), sex, race, birthplace, and birth date; family data including the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

b. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

c. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

d. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

e. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the Watauga

County Board of Education (the “board”) that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student’s official records but must be maintained by the principal in a safe, locked storage area that is separate from the student’s other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student’s petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

f. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy. ~~when their usefulness is no longer apparent or when the student leaves the school system.~~

2. Records Not Considered Education Records (Sole Possession, Employment, and Law Enforcement Records)

Student education records do not include, and release of information under this policy does not apply to:

- a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;

- b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and
- c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. However, a law enforcement record containing information that was obtained from a student's confidential file or other education record must be treated as an education record and may be released only in accordance with this policy.

D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Students or parents enrolled in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include only the substitute address provided by the NCACP and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

E. RECORDS OF MISSING CHILDREN

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

F. RECORDS OF MILITARY CHILDREN

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by policy 4050, Children of Military Families, are entitled to the following.

1. For Students Leaving the School System

In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the student's new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

2. For Students Enrolling in the School System

Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT

1. Review by Parent or Eligible Student

A parent or eligible student may access the student's education records upon proper request. The principal or guidance office personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete education records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any education records if there is an outstanding request to inspect or review the records.

2. Review of Video or Audio Recordings and Photographs

a. Parent's Right to Review

Upon request, a parent or eligible student may inspect and review a video or audio recording or photograph that is determined to be an education record of the student. Individuals acting on behalf of a parent or eligible child, such as advocates or attorneys, will not be permitted to review a video or audio recording or photo unless accompanied by the parent or eligible student.

b. Status as Education Record

A video or audio recording or photo will be deemed an education record of the student if it is directly related to the student and is maintained by the school system or its agent, as provided by law. A photo, video, or audio recording (such as a surveillance video), that is created and maintained by a law enforcement unit for a law enforcement purpose, is not an education record; however, a copy of such photo, video, or audio recording provided to the school for disciplinary or other school purposes may be an education record if it is directly related to a student and is maintained by the school system.

c. Records of More Than One Student

If the recording or photo is an education record of multiple students, the school system shall make reasonable efforts to redact or segregate out the portions of the recording or photo directly related to other students before providing the parent or eligible student access, provided doing so would not destroy the meaning of the record. If redaction or segregation of the recording or photo cannot reasonably be accomplished or would destroy the meaning of the record, then the parent of each student to whom the recording or photo directly relates or such eligible students themselves shall be permitted to access the entire record.

d. Copies of Recordings and Photos

A copy of a video or audio recording or photo will be provided to a parent or eligible student only (1) if circumstances effectively prevent the parent or eligible student from exercising the right to inspect the recording or photo, such as when the parent no longer lives within commuting distance of the school system; (2) when directed by a court order or subpoena; or (3) when otherwise required by law.

3. Request to Amend the Education Record

A parent or eligible student has the right to challenge an item in the student education record believed to be inaccurate, misleading, or otherwise in violation of

the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

Before releasing or disclosing education records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

1. Release/Disclosure With Parental Consent

School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

2. Release/Disclosure Without Parental Consent

School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

Personally identifiable information from a student's record may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior written consent of the parent or eligible student.

The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those education records in which they have legitimate educational interests.

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 4002, Parental Involvement.)

- a. The board designates the following student record information as directory information:
 - (1) name;
 - (2) address;
 - (3) telephone listing;
 - (4) electronic mail address;
 - (5) photograph or digital image, including still or video images of a student engaged in ordinary school activities;
 - (6) date and place of birth;
 - (7) participation in officially recognized activities and sports;
 - (8) weight and height of members of athletic teams;
 - (9) dates of attendance;
 - (10) grade level;
 - (11) diplomas (including endorsements earned), industry credentials/certifications, and awards received; and
 - (12) most recent previous school or education institution attended by the student.
- b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released, except as required by law.
- c. Information about a homeless student's living situation is not considered directory information and will not be released.
- d. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military

recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

- e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:
 - (1) specify the types of organizations that are eligible to receive directory information and for what purposes;
 - (2) provide for equal disclosure to organizations that are similar in purpose; and
 - (3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

K. DESTRUCTION OF STUDENT RECORDS

To the extent required by law, school officials shall maintain student records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. ~~School officials shall only destroy student records in accordance with state and federal law and the *Records Retention and Disposition Schedule for Local Education Agencies*.~~ After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 111431 *et seq.*; G.S. 7B-302, -3100, -3101; 14-208.29; 115C-47(26), -109.3, -402, -403, -404, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules>; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at <https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies>

Cross References: Parental Involvement (policy 4002), Student and Parent Grievance Procedure (policy 4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: January 12, 2015

Replaces: Policy 5.06.20, Maintenance of Student Records

Revised: January 28, 2016; November 13, 2017; June 11, 2018; September 9, 2019

The Watauga County Board of Education (the “board”) recognizes the valuable contributions that school volunteers make to the learning process and the educational goals of the school system. Instructional programs are enhanced through the contributions of students, parents, community members, and local business and industry. These volunteers contribute time, resources, and expertise that assist the school system to reach the goal of providing a sound basic education to all children.

The superintendent shall provide for parents to be notified of their right to take four hours of leave from their jobs every year in order to volunteer in their child’s school as stated in G.S. 95-28.3.

The board encourages school administrators to develop and implement plans and procedures for utilizing school volunteers. The superintendent and designees are responsible for implementing and supervising school volunteer programs. School volunteer programs must provide the following:

1. adequate screening of volunteers based upon the amount of contact they will have with students;
2. the requirement that volunteers comply with policy 5020, Visitors to the Schools;
3. reasonable supervision of volunteers based upon the amount of student contact they will have and on other appropriate factors; and
4. adequate training of volunteers, including familiarizing volunteers with applicable laws, board policies, (including policy 4040/7310, Staff-Student Relations) administrative procedures and school rules.
5. Registered Sex Offenders are banned from all Watauga County Schools property except under the conditions set forth in board policies 5022, Registered Sex Offenders and 4260, Student Sex Offenders.

All school volunteers are expected to be professional and dependable in their volunteer activities. All school visitors, including school volunteers, must report immediately to the administrative office at the school to request and receive permission to be in the school. If any school employee becomes aware that an individual is in a school without having received permission, the employee must direct the individual to the administrative office or notify the principal, depending on the circumstances.

Legal References: G.S. 95.28.3; 115C-36, -47, -203 to -209.1

Cross References: Parental Involvement (policy 4002), Staff-Student Relations (policy 4040/7310), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Sex Offenders (policy 4260)

Adopted: February 8, 2016

Replaces: Policy 2.04.50, School Volunteers

The superintendent shall develop procedures for the temporary closing of a school or all schools in the school system because of inclement weather or any other unforeseen occurrence that presents a threat to the safety of students and employees or causes major damage to school property. The superintendent shall notify parents, members of the Watauga County Board of Education (the "board"), the news media and other interested parties of a decision to close a school or schools as soon as it is feasible to do so under the circumstances.

In the event that an emergency closing is for a definite period exceeding one week, the superintendent shall notify the members of the board of education before making a formal announcement of the closing. A decision to close one or more schools for an indefinite period that is anticipated to exceed one week shall be made by the superintendent in consultation with the members of the board of education.

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

Cross References: Bad Weather Procedures (regulation 5050-R)

Adopted: February 8, 2016

Revised:

Replaces: Board policy 2.03.10, Bad Weather Procedures

The Watauga County Board of Education (the “board”) recognizes that students may need to take medication during school hours. This may enable students to attend school, improve or maintain their health status, and/or improve their potential for learning. School personnel may administer medication prescribed by a health care practitioner upon the written request of a student’s parent. In limited circumstances, as outlined in Section C, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, other treatment options exist and the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to “parent” include parents, legal guardians, and legal custodians. In addition, for purposes of this policy, the term “health care practitioner” is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners.

Unless otherwise indicated, the terms “medication” and “medicine” include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter “over-the-counter drugs”). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A. The self-administration of any prescription or over-the-counter drug by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited circumstances described in Section C.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless (1) authorized by and administered by a caregiver in accordance with G.S. 90-94.1 and G.S. 90-113.101 for the treatment of intractable epilepsy, or (2) the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA); and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

Authorized school employees may administer medication to students when all of the following conditions are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

- a. Parental Consent: The student’s parent must make a signed, written request

that authorizes school personnel to administer the medication to the student.

- b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.
- c. Certification of Necessity: The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.
- d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.
- e. Proper Administration: A trained school employee must administer the medication pursuant to the health care practitioner's written instructions provided to the school by the student's parent, and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. These procedures and a copy of this policy must be made available to all students and parents each school year and will be posted on the Watauga County School System website. The superintendent's procedures should be developed according to the guidelines listed below.

- a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.
- b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.
- c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

- d. Except as permitted by this policy, nNo student may possess, use, sell, deliver, or manufacture possess, use, or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.
 - e. The board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible.
 - f. All school personnel who will be administering medications must receive appropriate training from the school nurse or other qualified health personnel that includes safety and administration procedures and documentation of the training will be available on request.
 - g. Only medications clearly prescribed for the student may be administered by school personnel. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing the student to self-administer the medication. Self-administration of a medication by a student is allowed only as specified in section C of this policy.
 - h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property, unless otherwise prohibited by this policy.
 - i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.
3. The school principal shall designate school staff to receive appropriate training and to administer medication in the absence of the school nurse or qualified nurse substitute. The principal will keep records of medication administered, including the time and name of the person administering the medication.
4. The School Nurse will:

- a. Administer medication according to Watauga County School Board and School Health policies, School Nurse Standards of Practice, the North Carolina Nurse Practice Act, the NC School Health Program Manual, current addition, and North Carolina law regarding administration of medication;
- b. Maintain current knowledge of the effective use of drugs and treatments used by the school aged child and the possible side effects;
- c. Obtain all necessary training and possess the abilities to properly administer medication and perform treatments in the school setting, to monitor potential side effects, and to properly document such.

B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan.

The board also recognizes that students with diabetes may need to possess and self-administer certain medication on school property. Students are prohibited from self-administering medication at school unless (1) As used in this section of the policy, "medication" refers to a the medicine has been prescribed for the treatment of diabetes, asthma or anaphylactic reactions, including and includes insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. "Diabetes medication" means a medication prescribed for the treatment of diabetes and includes insulin or glucose. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property, during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the documents listed below:

- a. written authorization from the student's parent for the student to possess and self-administer the medication;
- b. a written statement from the student's health care practitioner verifying that:
 - 1) the student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;
 - 2) the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and
 - 3) the student understands, has been instructed in self-administration of the medication, and has demonstrated the skill level necessary to use the medication and any accompanying device;
- c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;
- d. a statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and
- e. any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device.

The student's parent must provide to the school backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer medication will be effective only for the same school for 365 calendar days. Such permission must be renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the diabetes, asthma, or anaphylactic medication.

The board does not assume any responsibility for the administration of medication to a student by the student, the student's parent, or any other person who is not authorized by this policy to administer medications to students.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. -705(20), -794, 34 C.F.R. pt. 104; G.S. 90-94.1, -113.101; 115C-36, -307(c), -375.1, -375.2, -375.2A, -375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Parental Involvement (policy 4002), Drugs and Alcohol (policy 4325), Emergency Epinephrine Auto-Injector Devices (policy 5024/6127/7266)

Other References: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Public Health, School Health Unit, 6th ed. 2014), available at <https://www2.ncdhhs.gov/dph/wch/lhd/manuals.htm>

Adopted: April 11, 2016

Revised: August 14, 2017 (Legal references only); July 9, 2018; April 8, 2019

Replaces: Board policy 5.03.10, Medication Administration

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

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into unless the budget resolution adopted pursuant to policy 8110, Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy 6421, Preaudit and Disbursement Certifications.) No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

Any contract for materials, equipment, or services involving expenditures in excess of \$90,000 must be approved in advance by the board unless provided otherwise in board policy. (Approval requirements for construction and repair contracts are established in policy 9120, Bidding for Construction Work.) Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into contracts or approve amendments to contracts for materials, equipment, supplies, or services involving amounts up to \$90,000-, except board approval is required for contracts and change orders that would result in more than \$90,000— being paid to the same vendor during the same fiscal year or any consecutive 12-month period. However, eChange orders for construction and repair contracts are subject to the requirements of policy 9030, Facility Construction, not this provision.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts involving amounts up to \$5,000. The superintendent, with appropriate involvement of the finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

At least monthly, the superintendent shall report to the board all contracts and contract amendments approved by the superintendent under this policy that exceed \$30,000.

B. CONTRACT FORMS

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

C. LEASE PURCHASE CONTRACTS

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

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

D. OTHER APPLICABLE POLICIES AND LAWS

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

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

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

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

Cross References: Preaudit and Disbursement Certifications (policy 6421), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Budget Resolution (policy 8110), Facility Construction (policy 9030), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110), Bidding for Construction Work (policy 9120)

Adopted: February 8, 2016

Revised: May 9, 2016; November 14, 2016; March 15, 2018; August 13, 2018

CROWDFUNDING ON BEHALF OF THE SCHOOL SYSTEM

Policy Code: **7360/8225**

For purposes of this policy, crowdfunding is the practice of using online sites to solicit donations, whether monetary or in-kind, on behalf of the school system. A crowdfunding campaign is considered to be on behalf of the school system if it uses imagery or language that would lead a reasonable person to believe that (1) the school system is associated with the campaign or (2) the campaign has the purpose or effect of providing resources or a benefit to the school system.

The Watauga County Board of Education (the “Board”) recognizes that crowdfunding campaigns are increasingly being used by employees to fund specific projects or programs. By aggregating donations from a broad and potentially diverse group of donors, crowdfunding has the potential to provide additional revenue and resources to classrooms and programs. Crowdfunding also has the potential to promote morale among employees by rewarding hard work and dedication.

Despite the positive aspects of crowdfunding, the unregulated use of the practice can subject the school system and the employee engaging in crowdfunding to potentially significant legal liability. The purpose of this policy is to establish a balanced approach that regulates and provides parameters for crowdfunding on behalf of the school system.

Parent organizations engaging in fundraising are subject to policy 5010, Parent Organizations, and are exempt from this policy. The Board reserves the right to designate additional groups or individuals as exempt from this policy.

A. UNAPPROVED CROWDFUNDING PROHIBITED

Crowdfunding on behalf of the school system is prohibited unless undertaken by an employee with prior written approval under this policy. No action towards initiating a crowdfunding campaign on behalf of the school system may be taken until the campaign is approved in writing pursuant to this policy.

No employee or student will be compelled to initiate or participate in a crowdfunding campaign on behalf of the school system. Students are permitted to participate in publicizing an employee’s approved crowdfunding campaign but are prohibited from otherwise engaging in crowdfunding on behalf of the school system. Employees or students who participate in crowdfunding on behalf of the school system are acting in their capacity as employees or students and are subject to all rules governing employee and student conduct.

Except in furtherance of an approved campaign, employees are prohibited from doing any of the following as part of a crowdfunding campaign: identifying as an employee of or stating an association with the school system; using a school system email address, school name, logo, or mascot; or linking to or referencing any school website, social media site, platform, or account associated with the school system.

Approved crowdfunding campaigns will operate in compliance with all laws and other board policies and regulations, including policies 6401/9100, Ethics and the Purchasing Function; 8210, Grants and Funding for Special Projects; and 8220, Gifts and Bequests, except as otherwise provided in this policy.

B. APPROVAL REQUEST FORM

An employee seeking approval of a crowdfunding campaign shall provide the following information on a form designated for this purpose (hereinafter referred to as the “approval request form”):

1. the employee’s name, job title, school, and email address;
2. the approved crowdfunding website to be used;
3. the nature and quantity or amount of donations being requested;
4. the classroom, program, or activity to be benefitted and the educational purpose to be served;
5. the exact language that will be used in the crowdfunding campaign, as well as any graphics that will be included;
6. the start and end dates of the crowdfunding campaign; and
7. a statement of recognition by the requester that any proceeds of the campaign are school property.

The approval request form will be made available in school offices and on the school system’s website.

C. PROCESS FOR APPROVAL OF REQUESTS

Notwithstanding anything to the contrary in policy 8220, Gifts and Bequests, the terms of this section control the approval of proposed online crowdfunding campaigns.

1. Review by the Principal

To be eligible for approval under this policy, employees must submit in writing a fully completed approval request form to the principal. The principal has authority to approve proposed campaigns seeking a dollar value up to \$5,000. Regardless of the amount sought to be donated, the principal has authority to deny a proposed campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the principal, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of \$5,000, and the principal believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the principal shall refer the proposed campaign to the superintendent or designee.

2. Review by the Superintendent

The superintendent or designee shall review referred approval request forms and seek additional information about proposed campaigns as appropriate. The superintendent or designee has authority to approve proposed campaigns seeking a dollar value up to \$90,000. Regardless of the amount sought to be donated, the superintendent or designee may deny a referred campaign because the campaign is not in compliance with the requirements of this policy or because, in the judgment of the superintendent or designee, the proposed campaign would produce unacceptable inequity in the educational environment.

If a proposed campaign seeks a dollar value in excess of \$90,000, and the superintendent or designee believes that the proposed campaign is in compliance with the requirements of this policy and should be accepted, the superintendent or designee shall refer the proposed campaign to the Board.

3. Review by the Board

Only the Board has the authority to approve a campaign that seeks a dollar value in excess of \$90,000. After considering the superintendent's or designee's recommendation, the Board will decide whether to approve the proposed campaign.

D. REQUIREMENTS FOR APPROVED REQUESTS

Crowdfunding requests will not be approved unless the proposed campaign:

1. meets all requirements of board policy and any applicable administrative regulations, and is consistent with the requirements of Title IX, FERPA, the IDEA, and any other applicable laws;
2. uses a crowdfunding site that has been approved by the superintendent pursuant to Section E;
3. is consistent with the school system's approved curriculum;
4. does not solicit funds for items or projects that are religious or political in nature or that have a religious or political purpose;
5. seeks donations that are compatible with the school system's technology, as confirmed by the technology director;

6. has a specific, pre-determined beginning and ending date;
7. does not disparage the school system or any of its buildings, programs, representatives, employees, or students;
8. does not include pictures or the identifying or confidential information of any school system student, unless specifically approved by the student's parent or guardian in writing and attached to the approval request form;
9. furthers the educational mission of the school and is not used for the unrelated personal gain of any individual;
10. does not result in donations being delivered directly to the requester;
11. is not contingent on the school system matching funds or making any expenditure;
12. does not request food or beverage items inconsistent with Smart Snack Standards, Section C of Policy 6140, Student Wellness, or nutrition standards set by the school system or school; and
13. does not suggest or state that the donation sought is required for or integral to a student's special education program, a student's ability to achieve his or her IEP goals, or the participation of students with disabilities in any school program.

Any crowdfunding campaign that does not fully comply with the requirements of this policy is prohibited. It is the responsibility of the employee implementing an approved crowdfunding campaign to ensure that all applicable policies, regulations, and laws, including the requirements of the crowdfunding site, are followed.

The school system reserves the right to terminate any approved crowdfunding campaign or refuse any donation for any reason and at any time, including if it believes the donation was acquired in violation of board policy, regulation, or other law.

E. APPROVED CROWDFUNDING SITES

The superintendent or designee shall create a list of approved crowdfunding sites. All approved crowdfunding sites must (1) be operated by an entity with no known significant history of fraud, unlawful activity, financial mismanagement, or other misconduct and (2) have a policy requiring all donations on behalf of the school system to go directly to the school system. The superintendent or designee shall encourage the use of sites that are focused on K-12 education.

If no site meets these requirements or the superintendent or designee does not approve any sites, no crowdfunding requests will be approved.

F. PROCESSING AND ALLOCATING DONATIONS

All monetary donations will be made payable to and deposited in an individual school account where the employee is associated. If the monetary donation involves the electronic transfer of funds, the principal shall ensure that the transfer is made properly and in accordance with acceptable standards of practice. All in-kind donations must be inventoried in accordance with policy 8350, Fixed Assets Inventory, by the individual school where the employee is associated. The school finance officer shall ensure that all donations are processed in a manner consistent with the School Budget and Fiscal Control Act and any other applicable law.

All donations, regardless of their form, obtained through crowdfunding on behalf of the school system are school property. As a general matter, the employee who completed an approved crowdfunding campaign should be given preference in the use of the donations obtained. Employees shall only use donations from a crowdfunding campaign for the approved purpose stated in the campaign. The school system reserves the right to transfer donations to a different use at the Board's discretion.

G. RECORDKEEPING

After donations obtained through an approved crowdfunding campaign have been utilized, the employee must file a written report with the principal detailing how the donations were used and how students benefited.

Legal References: 7 C.F.R. 210.11; G.S. 115C-36, -47; The School Budget and Fiscal Control Act, G.S. 115C, art. 31

Cross References: Technology in the Educational Program (policy 3220), Parent Organizations (policy 5010), Collections and Solicitations (policy 5220), Student Wellness (policy 6140), Ethics and the Purchasing Function (policy 6401/9100), Grants and Funding for Special Projects (policy 8210), Gifts and Bequests (policy 8220), Fixed Assets Inventory (policy 8350), Individual School Accounts (policy 8410)

Other Resources: *Crowdfunding in K-12: Developing a Vision that Informs Policy*, EdSurge Research (2019), available at <https://www.edsurge.com/research/reports/crowdfunding-in-k-12-developing-a-vision-that-informs-policy>; Dave Yost, *Special Report on Crowdfunding Classrooms*, Office of the Ohio Auditor of State (July 11, 2018), available at <https://www.ohioauditor.gov/publications/2018%20crowdfunding%20report%20FINAL.pdf>; *Crowdfunding in K-12 Education*, National School Boards Association (April 2018), available at <https://www.nsba.org/newsroom/american-school-Board-journal/asbj-april-2018/online-only-crowdfunding-k-12-education>

Adopted:

USE OF UNMANNED AIRCRAFT (DRONES)

Policy Code: 4334/5035/7345

The Watauga County Board of Education (the “Board”) supports and encourages the use of innovative and emerging technologies, including unmanned aircraft or drones, to further the goals and objectives of the educational program. However, the Board also must consider how the use of such technologies may impact the safety, security, and privacy of people and property. Therefore, the Board authorizes some use of unmanned aircraft on school property and at school-sponsored events in accordance with the requirements of this policy and to the extent that such use is not otherwise prohibited by federal, state, or local law or regulation.

This policy applies to all students, school system employees, contractors and vendors, school visitors, and other members of the general public on school property and at school-sponsored events.

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. An “unmanned aircraft” or “drone” is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The Board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event. A “toy unmanned aircraft” is an aircraft weighing less than 0.55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft.
2. The “use” of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.
3. “School property” includes any property that is owned, leased, or otherwise controlled by the Board.
4. Use of an unmanned aircraft is for a “recreational” purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

B. AUTHORIZED USE OF UNMANNED AIRCRAFT

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. The use of a toy unmanned aircraft does not require FAA registration and does not require the approval of the Superintendent. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit,

safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

The superintendent or designee may grant approval for use on a case-by-case basis with any additional requirements or restrictions deemed appropriate, including, for example, to protect the safety, security, and privacy of people and property. However, the superintendent or designee shall not approve the use of unmanned aircraft for recreational purposes on school property or at school-sponsored events during the school day or at any other time when groups of students or employees may be present outdoors.

Prior to obtaining approval from the superintendent or designee, the operator of any unmanned aircraft may be required to provide proof of insurance, including adequate liability coverage for any claims arising out of the use of an unmanned aircraft, and proof of the registration, certification, permit, and/or waiver required by the FAA and/or NCDOT to operate the unmanned aircraft for the intended purpose(s).

An unmanned aircraft used on school property or at a school-sponsored event must be operated either by or under the direct supervision of an FAA-certified drone pilot in accordance with subsection B.1, below, or by a recreational flyer in accordance with subsection B.2, below.

1. Use by or under the Direct Supervision of an FAA-Certified Drone Pilot

An FAA-certified drone pilot, or an individual under the direct supervision of an FAA-certified drone pilot, may operate an unmanned aircraft for any commercial, educational, recreational, or other school system-related purpose as approved by the superintendent or designee. To qualify as an FAA-certified drone pilot, an individual must obtain a Remote Pilot Certificate from the FAA and have the certificate easily accessible during all use.

An FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot must comply with all federal, state, and local laws and regulations, including all applicable requirements under 14 C.F.R. Part 107 ("Part 107"). In addition, if the use of an unmanned aircraft is not solely for hobby or recreational purposes, an FAA-certified drone pilot and any individual under the direct supervision of an FAA-certified drone pilot also must comply with the training and permit requirements of G.S. 63, art. 10, as applicable.

2. Use by a Recreational Flyer

A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal

requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

School system employees shall reasonably attempt to monitor school property and school-sponsored events for the unauthorized use of unmanned aircraft. Employees must report any known or suspected unauthorized use of an unmanned aircraft as soon as practicable to the principal or other school official responsible for supervising the school property or school-sponsored event. If the unauthorized use poses a threat to the safety, security, or privacy of people or property, the employee should attempt to intervene directly if it is possible to do so safely and effectively and ask the operator to discontinue the use. If the employee is unable to identify the individual operating the unmanned aircraft, or if the unmanned aircraft is grounded and unattended, the employee should immediately notify the principal or other school official responsible for supervising the school property or school-sponsored event.

A student or school system employee who uses an unmanned aircraft in violation of this policy will be subject to disciplinary action, up to and including suspension or expulsion for students and termination for employees. A contractor or vendor, school visitor, or other member of the general public who uses an unmanned aircraft in violation of this policy will be asked to discontinue the unauthorized use and/or asked to leave school property or the school-sponsored event in accordance with policy 5020, Visitors to the Schools.

School officials may also report the unauthorized use of an unmanned aircraft to local law enforcement and/or the FAA, as appropriate.

D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT

1. FAA Safety Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event must comply with all applicable FAA safety guidelines, including, but not limited to, the following.

- a. The operator must follow FAA guidelines for registration. The unmanned aircraft, if registered, must be marked with the registration number.
- b. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.
- c. The operator must fly the unmanned aircraft during daylight only and must keep the unmanned aircraft within his or her visual line of sight at all times.

- d. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).
- e. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.
- f. The operator must not fly the unmanned aircraft over people, groups of people, public events, or stadiums full of people, or near emergency response activities.
- g. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.
- h. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

A student, school system employee, contractor or vendor, school visitor, or other member of the general public who is authorized by the superintendent or designee to operate an unmanned aircraft on school property or at a school-sponsored event also must comply with the following guidelines established by the Board.

- a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.
- b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.
- c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.
- d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of

the superintendent: (a) students, employees, visitors, or other individuals, (b) school- or school system-sponsored activities and other events, or (c) school buildings or other school system facilities. Any such photographs or other audio and/or video recordings obtained through the use of an unmanned aircraft may not be used for any marketing or other commercial purpose or otherwise distributed to a third party without the express written approval of the superintendent.

- e. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.
- f. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.
- g. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest is prohibited.
- h. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.
- i. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

The superintendent or designee may develop any additional administrative procedures or other regulations necessary to implement the requirements of this policy or to further protect the safety, security, and privacy of people and property.

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 107; Federal Aviation Administration, Advisory Circular 91-57B (May 31, 2019), available at [https://www.faa.gov/documentLibrary/media/Advisory Circular/AC 91-57B.pdf](https://www.faa.gov/documentLibrary/media/Advisory%20Circular/AC%2091-57B.pdf); Federal Aviation Administration, Advisory Circular 107-2 (June 21, 2016), available at [https://www.faa.gov/uas/resources/policy_library/media/AC 107-2 AFS-1 Signed.pdf](https://www.faa.gov/uas/resources/policy_library/media/AC_107-2_AFS-1_Signed.pdf); G.S. 14-7.45, -280.3, -401.24, -401.25; G.S. 15A-300.1, -300.2, -300.3; G.S. 63, art. 10; G.S. 113-295; North Carolina High School Athletic Association, Policy 2.2.3(c) (2019-2020), available at <https://www.nchsaa.org/sites/default/files/attachments/2.2.3%20Facilities.pdf>

Cross References: Student Behavior Policies (4300 series), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030)

Other Resources: Federal Aviation Administration, Unmanned Aircraft Systems (UAS) website, available at <https://www.faa.gov/uas/>; North Carolina Department of Transportation, Division of Aviation, Unmanned Aircraft Systems website, available at <https://www.ncdot.gov/divisions/aviation/uas/Pages/default.aspx>

Adopted:

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

The interactions and relationships between staff and students should be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students in and outside of the educational setting. Employees are also expected to be sensitive to the appearance of impropriety in their own conduct and in the conduct of others when interacting with students. Employees shall consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other Board policy.

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

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting or entering into a romantic or sexual relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with students through non-school-controlled social media except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other Board policy.
2. Instant messages, which may include but are not limited to; SnapChat, text messaging, Google Hangout, or other instant notification features, shall be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Except as provided below, employees are also prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent.

This rule shall not apply in any of the following circumstances:

- a. when the communication is for an educational purpose, is conducted through a school system-provided platform which archives all such communications for a period of at least three years if in writing, and the employee has given prior notice to his or her supervisor or designee that such written or oral communications will occur; or
- b. when the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee, and, upon request, to the parent or guardian; or
- c. in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

when the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other Board policy.

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

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communications in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.
5. Violations of this section shall be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:
 - a. the content, frequency, subject, and timing of the communications(s);
 - b. whether the communications(s) were age and/or student maturity-level appropriate;
 - c. whether the communication(s) could reasonably be viewed as a solicitation

of sexual contact or the courting of a romantic relationship, including sexual grooming;

- d. whether the communication(s) created a disruption of the educational environment;
- e. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;
- f. whether the communication(s) harmed the student in any manner.

C. Reporting Inappropriate Conduct

1. Reporting by Employees

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

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

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

2. Reporting by Students

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

3. Report of Criminal Misconduct

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

4. Report to State Superintendent of Public Instruction

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

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18); 16 N.C.A.C. 6C.0312, .0601, .0602; State Board of Education Policies EVAL-014, LICN-007, NCAC-~~0396C-0312~~.

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 4015/7225), Student and Parent Grievance Procedure (policy 4010), Child Abuse – Reports and Investigations (policy 4240/7312), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Approved: July 14, 2014

Revised: June 8, 2015; January 11, 2016; September 11, 2017; May 21, 2018

RECRUITMENT AND SELECTION OF PERSONNEL

Policy Code:

7100

A. GENERAL PRINCIPLES

It is the policy of the Watauga County Board of Education (the "board") to provide all applicants for employment with equal employment opportunities and to provide current employees with training, compensation, promotion, and other benefits of employment without regard to race, color, religion, national origin, military affiliation, genetic information, sex, age, or disability, except when sex, age, or physical requirements are essential occupational qualifications. All candidates will be evaluated on their merits and qualifications for positions. All employment decisions will be consistent with the board's objective of providing students with the opportunity to receive a sound basic education, as required by state law.

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

B. RECRUITMENT

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

All vacancies must be adequately publicized within the school system so that employees will be informed of opportunities for promotion or transfer to new jobs; however, the superintendent or designee may forgo publicizing a vacancy if the position will be filled through a lateral assignment, reassignment, or promotion of a current employee or if exigent circumstances necessitate that the position be filled immediately. Vacancies also may be publicized externally to attract qualified applicants.

C. CRIMINAL HISTORY

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

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy. Special requirements are described in Section D of this policy for criminal history checks of candidates for certain positions working with pre-school children or working in afterschool or developmental day programs.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted (including entering a plea of guilty or *nolo contendere*) of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her. The requirements of this paragraph do not apply to a childcare provider who is determined to be disqualified by the Division of Child Development and Early Education on the basis of a criminal history check conducted pursuant to G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43. (See Section D of this policy).

The board has determined that every position with the school system, regardless of whether the position is located in a school or elsewhere, potentially entails contact with students, either on a regular, occasional, or emergency basis. For that reason, no individual who is a registered sex offender subject to the provisions of policy 5022, Registered Sex Offenders, will be hired for any position with the school system.

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

D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS

For purposes of this section, a "childcare provider" is:

1. any person who works or is a final candidate seeking to work in a classroom or

program licensed by the Department of Health and Human Services, Division of Child Development and Early Education (DCDEE); and

2. any person, including a volunteer, who has unsupervised contact with children enrolled in such classrooms or programs.

Before beginning initial employment or volunteer service and at least every three years thereafter, each child care provider must complete a criminal background check that meets the requirements of G.S. 110-90.2, 42 U.S.C. 9858f, and 45 C.F.R. 98.43 and present a letter issued by DCDEE indicating that the individual is qualified to have responsibility for the safety and well-being of children based on the individual's criminal history.

After September 30, 2019, no person shall (1) be employed, continue to be employed, or be permitted to volunteer as a child care provider, or to otherwise have unsupervised contact with students enrolled in a licensed classroom or program operated by the school system or (2) be counted in the staff/child ratio of such classroom or program, unless the person holds a current valid qualification letter issued by DCDEE. However, a childcare provider with provisional status may be employed pending final results of the criminal background check but shall be subject to the restrictions established by 10A N.C.A.C. 09 .2703(f).

The application fee and cost of fingerprinting associated with the DCDEE criminal history check process shall be borne by the board.

A child care provider who has incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by DCDEE shall notify the assistant superintendent of human resources in writing of such charges within five business days or before returning to work, whichever comes first. The assistant superintendent of human resources shall notify DCDEE within one business day of being notified.

The superintendent or designee shall include the criminal history mandatory reporting requirement in all new employee orientation information for childcare providers. The superintendent shall also be responsible for establishing effective recordkeeping methods and other processes as necessary to ensure compliance with all legal requirements pertaining to criminal history record checks of childcare providers.

E. SELECTION

1. Qualifications

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

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

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

- a. For purposes of this subsection, the following definitions apply.
 - i. “Immediate family” means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.
 - ii. “Central office staff administrator” includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.
- b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.
 - i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.
 - ii. Notification by the employee to the director of human resources will be deemed disclosure to the board. The director of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.
- c. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the

employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

- d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

3. Employment Procedures

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

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

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Green v. Missouri Pacific Railroad* (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012) available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09 .0102, -.2701, -.2702, -.2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy Policies BENF-009 and NCAC-019; ~~State Board of Education Regulation EVAL-017 R(1)~~

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted: February 9, 2015

Replaces: Policy 3.02.40 Qualifications of Certified Personnel, policy 3.02.55 Recruitment, and policy 3.01.30 Equal Employment Opportunity

Revised: January 28, 2016; August 14, 2017 (Legal references only); November 13, 2018;
September 9, 2019

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

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator’s license appropriate to his or her position.
2. To the extent possible, all professional teaching assignments will be in the area of the professional employee’s license except as may be otherwise allowed by state and federal law and State Board policy.
3. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.
4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the State Board of Education.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to +20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

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

3. Interim Principals

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

4. Cherokee Language and Culture Instructors

An individual approved to teach in accordance with an MOU entered into pursuant to G.S. 115C-270.21 will be authorized to teach Cherokee language and culture classes without a license.

5. Driver Education Instructors

An individual, who is not licensed in driver education, is authorized to work as a driver education instructor if the individual holds Certified Driver Training Instructor status according to minimum standards established by State Board of Education policy DRIV-003.

C. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored must demonstrate proficiency. The school system will also participate in implementing a regionally-based annual peer review and support system.

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

D. LICENSE CONVERSION

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

E. LICENSE RENEWAL

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

The school system may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or

designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

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

F. PARENTAL NOTIFICATION

At the beginning of each school year, school system officials shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction; whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; whether the teacher is teaching in the field of discipline of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system will give notice within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned.

G. EQUITABLE DISTRIBUTION OF TEACHERS

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, NCAC-028, NCAC-035, NCAC-037, TCED-016; ~~State Board of Education Regulations LICN-000 R(1), LICN-016 R(1), LICN-018 R(1), LICN-021 R(1);~~ *Beginning Teacher Support Program Handbook* (NCDPI), available at

<https://docs.google.com/document/d/1Ssiewc7pZAUaHW133pWMFdYOkb1ZYKtIWRFUQHRy4/edit?ts=57aa2c78#heading=h.gjdgxs><https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources>

Cross References:

Adopted: February 9, 2015

Revised: September 11, 2017; May 21, 2018; March 11, 2019; September 9, 2019

Replaces: Policy 3.02.40, Qualifications of Certified Personnel

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code:

7240

The Watauga County Board of Education (the “board”) recognizes that drug and alcohol abuse undermines the safety, health and productivity of employees. It is the policy of the board that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits employees from possessing, using, selling, delivering, manufacturing, or being under the influence of engaging in the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, alcohol, stimulants, synthetic cannabinoids, counterfeit substance, or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 at any time this policy is applicable. Employees are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of a substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at any time this policy is applicable, regardless of whether it constitutes a controlled substance under state or federal law. Employees must not, at any time this policy is applicable, be under the influence of alcohol or be impaired by the use of substances intended to induce exhilaration or euphoria or alter mood or behavior or be impaired by the excessive use of prescription or nonprescription drugs at any time this policy is applicable. This policy is not violated by an individual's possession of or proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

B. APPLICABILITY

This policy governs each employee before, during, and after school hours while the employee is on any property owned or leased by the board; at any time during which the employee is acting in the course and scope of his or her employment with the board; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

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

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school

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

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

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

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

D. DUTY TO REPORT

In accordance with policy 7300, Staff Responsibilities, an employee must notify his or her supervisor and the assistant superintendent of human resources in writing of any charge or conviction under any criminal drug statute for a violation occurring within the scope of Section B of this policy. Notification must be given no later than the next scheduled business day after such charge or conviction and before reporting to work. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the assistant superintendent of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

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

All employees shall receive a copy of this policy. When a person is initially employed, that employee shall sign a drug-free certification statement to be returned to the superintendent's office.

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

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

Adopted: February 9, 2015; ~~November 13, 2018~~

Replaces: Policy 3.08.30, Drug-Free Work Place

Revised: November 13, 2018;

The Watauga County Board of Education (the "Board") recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the Board will meet the requirements of state law and State Board of Education policy. Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term "teacher" is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract (less than 100%) or employed under a temporary teacher contract does not meet this definition of teacher; however, the Board's performance expectations established in this policy apply to such individuals.

A. TEACHER PERFORMANCE EXPECTATIONS

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The Board expects teachers to meet all performance standards established by the Board, the superintendent or designee, state law, and State Board of Education policy; and to pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

B. SUPERINTENDENT'S RECOMMENDATION

The Board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The superintendent's recommendation for a new or renewed contract must include the length of the term of the contract, which must be consistent with state law and Board requirements as described in Section C, below. The Board will follow a recommendation of the superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term. In considering the superintendent's recommendation, the Board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation, or was added to the teacher's file, with proper notice to the teacher, prior to the Board's decision.

C. DETERMINATION OF CONTRACT LENGTH

This section applies when the superintendent has decided to recommend that the Board offer a teacher a new or renewed contract. For information regarding a decision by the superintendent not to recommend that the Board offer a teacher a renewed contract, see

policy 7950, Non-Career Status Teachers: Nonrenewal.

For purposes of determining a teacher's years of employment by the board in this section, a year is at least 120 workdays performed as a teacher in a full-time permanent position. If a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher in a year for any reason, including because the teacher was on approved or legally entitled leave, that year will not be deemed to constitute a year of employment for the teacher unless required by law. Furthermore, a year in which a teacher in a full-time permanent position did not work for at least 120 workdays as a teacher because the teacher was on approved or legally entitled leave will not be considered a break in the continuity of employment for the teacher. A suspension will not constitute approved or legally entitled leave for purposes of this policy.

A new or renewed contract, if offered, will be for a term of one school year unless the teacher meets the following criteria for a four-year contract at the time of contract offer.

To be recommended for a four-year contract, a teacher must meet all of the following:

1. have been employed by the Board as a teacher for at least the last three consecutive years;
2. have received a rating of at least "proficient" on all standards on the two most recent annual summative evaluations;
3. not be on a monitored or directed growth plan, mandatory improvement plan, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;
4. not have received any of the following during the current or previous school year: a demotion, a suspension without pay, or a reprimand, warning, demotion, suspension without pay, or other disciplinary action that is documented in the teacher's official personnel file~~disciplinary consequence during the current or previous school year;~~ and
5. not have other relevant performance or conduct information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract.

D. DISMISSAL AND NONRENEWAL

This policy is not intended to limit the superintendent's discretion to recommend dismissal, demotion, a shorter contract length, or nonrenewal of any teacher for any basis allowed by law and Board policy, including but not limited to reduction in force due to school system reorganization, decreased enrollment, reduced funding, or other budgetary issues as described in Board policy 7920, Reduction in Force; Teachers and School Administrators.

Any employee who does not meet the performance or other standards of the Board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, or to nonrenewal, as provided in policy 7950, Non-Career Status Teachers: Nonrenewal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009

Cross References: Professional and Staff Development (policy 7800), Hearings Before the Board (policy 1600), Recruitment and Selection of Personnel (policy 7100), Evaluation of Licensed Employees (policy 7810), Reduction in Force: Teachers and School Administrators (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: April 13, 2015

Revised: August 14, 2017 (Legal references only); February 12, 2018