

**ORANGE COUNTY  
BOARD OF EDUCATION**

**AGENDA ITEM ABSTRACT**

**Meeting Date:** September 10, 2012

**AGENDA ITEM No.** 12-09-15

**ACTION ITEM (Y/N)** Y

**SUBJECT:** Board Policy Subcommittee Report & Recommendations – 1<sup>st</sup> Reading Approvals

**INFO. CONTACT:** Dr. Marcie Holland/Patrick Rhodes **PHONE:** 919-732-8126

- ATTACHMENTS:**
1. Policy #7301 Reporting Information to the Principal and External Agencies (New)
  2. Policy #7220 Employee Complaints and Grievances – Revised
  3. Policy #7940 Classified Employees Suspension and Dismissal - Revised
  4. Policy #7770 Fee-based Coaching Services for Current Athletes (New)
  5. Policy Review Subcommittee policy review list
  6. NCSBA's Policies to Lead the Schools (PLS) August 2012 Update
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**PURPOSE:** The purpose of this item is to provide the Board an opportunity to hear a report of the Board's Policy Subcommittee and to approve on First Reading two revised policies and one new policy.

**BACKGROUND:** On February 20, 2012, The Board of Education established a policy subcommittee. The members of the subcommittee, Donna Coffey, Brenda Stephens and Debbie Piscitelli, are supported by administrative staff from Human Resources, Finance, Operations and Curriculum and Instruction. The subcommittee will use the North Carolina School Boards' Association's PLS Updates as a guiding reference for policy revisions. As a member of the Association, this service is provided to our school district as part of membership.

Board of Education Policy #2410 states "It is through the development and adoption of written policies that the Board shall exercise its leadership in the operation of the school system; it is through the study and evaluation of reports concerning the execution of its written policies that the Board shall exercise its control over school operations."

The Board Policy Subcommittee met on August 28, 2012, and reviewed the attached list of policies. Four personnel related policies (Series 7000) were reviewed and discussed by the subcommittee members, Attorney Blumberg and staff.

The subcommittee directed staff to bring forward the following policies: Policy #7301 Reporting Information to the Principal and External Agencies (New), Policy #7220 Employee Complaints and Grievances – Revised, Policy #7940 Classified Employees Suspension and Dismissal - Revised. A new Policy #7770, Fee Based Coaching Services, was discussed and the subcommittee directed staff to send the draft to coaches and athletic directors for input and comment. The Policy Review Subcommittee will consider this feedback during its next meeting.

**FINANCIAL IMPACT:** None

**RECOMMENDATION:** The Superintendent recommends the Board approve revised Policy #7940 Classified Employees Suspension and Dismissal, Policy #7220 Employee Complaints and Grievances and new Policy #7301 Reporting Information to the Principal and External Agencies for 1<sup>st</sup> Reading Approval.

**REPORTING INFORMATION  
TO THE PRINCIPAL AND  
EXTERNAL AGENCIES**

Date Reviewed/Approved:

Policy Number: 7301

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Rescinds Policy Number:

Issued:

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*It is the policy of the Board in serious matters relating to the safety and welfare of the students and employees that certain actions and information be reported to external agencies as required by law or regulation.*

**PRINCIPAL**

*All school personnel, including substitute teachers, student teachers, and volunteers, must immediately report to the principal or designee any act of violence in school, on school property, or at school-sponsored events. Acts that should be reported are all those known or believed to be violent. This includes, but is not limited to, all acts reportable by the principal to law enforcement under this policy.*

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

*Any administrator, including the superintendent, assistant superintendent, associate superintendent, personnel administrator, or principal, who knows or has substantial reason to believe that a certified employee has engaged in illegal or immoral behavior amounting to physical or sexual abuse of a child, shall report the information to the superintendent of public instruction. Failure to report such information constitutes grounds for certificate revocation or suspension.*

*For purposes of this requirement, "physical abuse" means the infliction of serious physical injury other than by accidental means or other than self defense. The term "sexual abuse" means the commission of any sexual act upon a student or causing a student to commit a sexual act regardless of the age of the student and regardless of the presence or absence of consent.*

**LAW ENFORCEMENT**

*Any principal who has personal knowledge or actual notice from school personnel that an act has occurred on school property involving assault resulting in serious personal injury, sexual assault, sexual offense, rape, kidnapping, indecent liberties with a minor, assault involving the use of a weapon, possession of a firearm or other weapon in violation of the law, or possession of a controlled substance in violation of the law, the principal shall immediately report the act to the appropriate local law enforcement agency.*

*Any reports made to law enforcement under this policy shall also be reported by the principal or the principal's designee to the Superintendent or Superintendent's designee. The report to the Superintendent or designee shall be in writing or by electronic mail and shall occur by the end of the day in which the incident occurred when reasonably possible, but not later than the end of the following workday. In turn, the Superintendent shall provide the information to the Board of Education.*

*The principal or his/her designee must notify the parent/guardian of students who are alleged to be the victim of any reported offenses. Notice may be provided by any reasonable means including face to face conference, mail, fax, email, or telephone. Notice should be given immediately to the victim's parent/guardian, but in no case no later than three (3) working days after the principal or his/her designee receives actual knowledge of the criminal offense.*

*For purposes of this requirement, "school property" shall include any school building, bus, public school campus, grounds, recreation area, or athletic field in the charge of the principal. Designated crimes that occur on school property shall be reported without regard to whether they occur before, during, or after normal operating hours.*

*The report must be made without regard to the age of the victim or the perpetrator. Student offenders and victims should be identified by age, grade, sex, race, and educational status (i.e., regular or exceptional).*

*The principal shall designate persons who shall report the acts to law enforcement in his/her absence.*

*If the principal reports a crime committed by a child with a disability, the principal must ensure that copies of the child's special education and disciplinary records are transmitted to the appropriate authorities for consideration, to the extent that transmission is permitted by the Family Educational Rights and Privacy Act (FERPA). Where necessary to comply with FERPA, the principal shall obtain the written consent of the parent or student (if the student is at least eighteen (18) years of age) before transmitting the records. If consent is refused, the records will not be transmitted unless pursuant to a subpoena, court order or as otherwise authorized under FERPA and with proper notice to the parent as may be required by that law.*

*Nothing in this section shall be interpreted to interfere with the due process rights of school employees or the privacy rights of students.*

#### **DEPARTMENT OF SOCIAL SERVICES**

*Any principal who has cause to suspect that a child is abused, neglected, dependent, or has died as a result of suspected maltreatment shall report the situation to the Orange County Director of Social Services. Any employee who has cause to suspect that a child is abused, neglected, dependent, or has died as a result of suspected maltreatment shall report the situation to the principal or designee. In the absence of the principal or designee, the employee shall report the situation directly to the Director of Social Services.*

#### **DEPARTMENT OF HEALTH**

*Principals shall report suspected cases of reportable communicable diseases or conditions to the Orange County Health Director for investigation. Without releasing information that would identify the employee, the principal shall also report suspected cases of reportable communicable diseases or conditions to the superintendent. Any employee who has reason to believe that a fellow employee has a reportable communicable disease and is not following safe practices shall report the situation to his/her principal or supervisor. Supervisory personnel shall report such unsafe conduct to the health director. In the absence of the principal or supervisor, the employee must report the situation to the health director. Confidentiality of such reports is protected by law, and school officials cannot be liable for making such reports.*

*The superintendent may develop procedures necessary for the implementation of this policy.*

*Legal References: G.S. 115C-400, -288, -307; G.S. 7B-301; G.S. 130A-136; 16 NCAC 6C.0312; 20 U.S.C. 1415(k)(9); 34 CFR 300.529(b)*

# EMPLOYEE COMPLAINTS AND GRIEVANCES

Date Reviewed/Approved: 12/03/2007 Policy Number: 7220

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Rescinds Policy Number: GAE

Issued: 02/07/1983, 04/19/2004

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

## A. ~~INFORMAL RESOLUTION~~

~~It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. In those circumstances where informal procedures fail or are inappropriate or where the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth below.~~

## B. ~~DEFINITIONS~~

- ~~1. Days means the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday - Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.~~
- ~~2. Final Administrative Decision means a decision of a school employee from which no further appeal to a school administrator is available.~~
- ~~3. Grievance means a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:
  - ~~a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulation, school board policy or administrative procedure;~~
  - ~~b. that an employee has been subject to discrimination on the basis of race, religion, sex, national origin, age or disability; or~~
  - ~~c. that an employee's employment status or the terms or conditions of his/her employment have been adversely affected; or~~
  - ~~d. that there exists a physical condition which jeopardizes an employee's health or safety, or which interferes with an employee's ability to discharge his or her responsibilities properly and effectively.~~~~

~~The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act.~~

4. ~~Grievant means the employee(s) making the claim.~~
5. ~~Official means the person hearing and responding to the grievant.~~
6. ~~Parties in Interest mean the grievant and the person against whom the grievance is filed.~~

C. ~~TIMELINESS OF PROCESS~~

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

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

D. ~~GENERAL REQUIREMENTS~~

1. ~~All parties in interest and their representatives in any grievance filed pursuant to this policy will conduct themselves in a professional manner at all times during the investigation and hearing of the grievance.~~
2. ~~No reprisals of any kind will be taken by the board or by an employee of the school district against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.~~
3. ~~Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.~~
4. ~~All meetings and hearings conducted pursuant to this policy will be private.~~
5. ~~The board and school district will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to respond to individual grievants.~~
6. ~~The board and administration will cooperate with the employee(s) and his or her representative in the investigation of any grievance and will furnish the employee or his or her representative information pertinent to the grievance without cost to the grievant employee or the employee against whom the grievance is filed.~~
7. ~~The employee may have a representative, including an attorney, at any stage of the grievance. However, any grievant intending to be represented by legal counsel must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.~~
8. ~~Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.~~

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E. PROCESS FOR GRIEVANCE

1. Reporting a Grievance

- a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days which claims a violation, misapplication or misinterpretation of state or federal law, including discrimination, the superintendent or designee will determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school district to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in reporting may significantly impair the ability of the school district to investigate and respond effectively to such complaints.
- b. All grievances will be in writing and the written statement of grievance will remain the same throughout all steps of the grievance procedure. The written grievance must include the following information: (1) the name of the school district employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s) or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation or State Board of Education policy or procedures that the grievant believes has been misapplied, misinterpreted or violated; and (4) the specific resolution desired. If there is not a specific decision at issue or no concern that state or federal law or regulation, State Board of Education policy or procedure or local board policy or procedure has been misapplied, misinterpreted or violated, then the procedure established in board policy 1742/5060, Responding to Complaints, is appropriate and the principal or immediate supervisor will address the concern following that board policy.
- c. The employee(s) will present the grievance in writing to his or her immediate supervisor or the supervisor's designee (hereinafter "official"), unless the grievance alleges unlawful discrimination in which case the grievance may be presented instead to the associate superintendent.

2. Response by Official

- a. The official will arrange for a grievance file number to be assigned by the personnel office.
- b. In the event the official determines at the outset that review by the official is inappropriate, the formal grievance will be investigated and a response given at the first stage of appeal provided below.
- c. A meeting will take place at a mutually agreed upon time within five days after receipt of the grievance.
- d. The official will conduct any investigation of the facts necessary before rendering a decision.
- e. The immediate supervisor or his or her designee will provide the aggrieved employee(s) with a written response to the grievance within ten days after the meeting.

3. ~~Response by Superintendent~~

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

4. ~~Appeal to the Board~~

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

a. ~~Mandatory Appeals~~

- 1) ~~If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure or local board policy or procedure or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his/her employment, the grievant may appeal in writing the decision to the board within ten days of receiving the superintendent's response.~~
- 2) ~~A hearing will be conducted pursuant to board policy 2500, Hearings before the Board.~~
- 3) ~~The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.~~

b. — Discretionary Appeals

- 1) — If the grievant is not satisfied with the superintendent's response, but has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure or local board policy or procedure or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his/her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within ten days of receiving the superintendent's response.
- 2) — If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chair shall appoint a three member panel to review the request and determine if a hearing should be granted. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.
- 3) — If the board decides to grant a hearing, the hearing will be conducted pursuant to board policy 2500, Hearings before the Board. Notwithstanding the provisions of board policy 2500, the board may choose to review discretionary appeals on the record only, without allowing oral presentations.
- 4) — The board will provide a final written decision within 30 days of the decision to grant a hearing unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

F. — RECORDS

Records on discrimination grievances will be maintained as required by policy 7230.

Legal References: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d et seq., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e et seq.; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., 34 C.F.R. pt. 106; Equal Employment Opportunity Commission's "Final Amended Guidelines on Discrimination Because of Sex"; Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 et seq.; The Rehabilitation Act of 1973, 29 U.S.C. 706(8), 794, 34 C.F.R. pt. 104; The Americans With Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Office of Civil Rights, Sexual Harassment Guidance: Harassment of Students by School Employees, Students or Third Parties, 62 Fed. Reg. 12,034 (1997); Office of Civil Rights, Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance, 59 Fed. Reg. 11,448 (1994); G.S. 126-16

Cross References: Prohibition Against Discrimination and Harassment (policy 7230), Responding to Complaints (policy 1742), Hearings before the Board (policy 2500)



*The initial approach to settling any issue is open communication. An employee should first seek to resolve any complaint with his/her immediate supervisor through informal discussion. If such discussion does not resolve the matter informally, and the employee believes that his/her complaint rises to the level of a grievance as defined below, then the employee may initiate a formal grievance as described in this policy in an effort to seek an equitable solution.*

#### **A. GRIEVANCE**

*A grievance is defined as a formal written complaint by an employee that a final administrative decision of a school official violates a specified federal law, state law, State Board of Education policy, state rule, or local board policy. This grievance policy shall apply to any decision subject to appeal under G.S. 115C-45(c) or any other statute that provides employees a right to appeal to the board of education, except that dismissals, demotions or suspensions without pay of non-certified employees initiated by the superintendent or designee shall be reviewed initially at Level Two of the policy and except that complaints of alleged sexual harassment shall be made pursuant to the board's Sexual Harassment policy. Recommended decisions are not grievable.*

*Any employee who believes he or she has been aggrieved by a decision not covered by the definition of grievance in this policy may appeal the decision to the superintendent and thereafter have the right to petition the board for a hearing. The board shall notify the employee of its decision whether to grant a hearing.*

#### **B. DAY**

*Day is defined as a scheduled workday except where provided otherwise. Day of receipt or other event does not count as one of the working days.*

#### **TIME LIMITATION**

*No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance and states with particularity the basis for the grievance and the remedy sought. In order to be considered, the formal written grievance must be filed on the appropriate form at Level One as described below.*

*The grievant may initiate a formal grievance by obtaining a grievance form from the Human Resources office, filling out the form and providing a copy to his or her supervisor. The grievant shall specify on the form the facts supporting the grievance; the specific law, policy, or regulation alleged to have been violated; and the relief requested. The supervisor shall make every reasonable effort to provide a written response to the employee's grievance within five (5) days of receiving the completed grievance form.*

#### **LEVEL TWO**

- A. If the employee is not satisfied with the decision rendered at Level One, the employee may appeal to the superintendent or designee. The employee shall file a written appeal on the designated form specifying with particularity the reason(s) for the appeal. The employee shall file the appeal with the superintendent or designee within five (5) days of receiving the supervisor's written response to his/her grievance.*
- B. The superintendent or designee shall make every effort to schedule a meeting with the employee for the purpose of resolving the grievance within fifteen (15) days from the receipt of the appeal form. If the superintendent or designee determines that additional time is needed to develop the factual record, the grievance may be put on hold for thirty (30) days (or longer if by mutual written agreement) to allow time for investigation.*

*Either party may call witnesses at the grievance meeting to help resolve the matter.*

*The superintendent or designee shall make every reasonable effort to send written notice of the decision to the grievant and the supervisor involved with five (5) days of the meeting.*

### **LEVEL THREE**

- A. *If any employee is not satisfied with the decision rendered at Level Two, the employee has the right to file an appeal with the board of education within five (5) days of receiving the superintendent's decision. Upon receipt of this appeal, the board chair may appoint a committee of not fewer than two (2) members of the board to hear and decide the grievance.*
- B. *The committee shall make every reasonable effort to meet and consider the appeal within twenty (20) days after the chair refers the grievance to the committee. Reasonable notice of the appeal hearing will be given to the parties. The committee shall review the grievance on the record unless it determines that additional information may be presented. No new evidence, written or verbal, may be presented without the prior knowledge and consent of both parties or upon a majority vote of the hearing committee. Each party may make a brief oral presentation to the committee to summarize his or her position. The appeal hearing may be recorded and shall be held in closed session.*
- C. *The board committee may affirm, reverse or modify the decision of the superintendent. The superintendent's Level Two decision will be reversed only if the decision was:*
- 1. in violation of constitution provision;*
  - 2. in excess of statutory authority or jurisdiction of the school system;*
  - 3. made upon unlawful procedure;*
  - 4. affected by other error of law;*
  - 5. unsupported by substantial evidence in view of the entire record as submitted; or*
  - 6. arbitrary or capricious.*

*As used in this policy, substantial evidence means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.*

- D. *The decision of the committee shall be final. The committee shall make every reasonable effort to send to the grievant and the superintendent a written statement of its decision within five (5) days of the hearing. A copy of the decision shall also be delivered to the board. This policy establishes a procedure for employees to grieve certain decisions of school officials. The policy does not grant employees the right to appeal decisions of the board itself. Nonetheless, an employee may petition the board to reconsider one of its own decisions. The request must be made in writing to the board chair within thirty (30) days of the board's decision and must state the reasons why the board should reconsider its decision. The board may exercise its discretion to grant the petition. The board will review the decision on the record unless it determines that additional information may be presented. This grievance procedure shall not be available to contest dismissal, demotion, suspension or nonrenewal of a teacher or instructional administrator initiated under G.S. 115C-325. If the grievance is filed and then a disciplinary action is begun under G.S. 115C-325 on the same or related issue, no further action shall be taken with the grievance procedure while the disciplinary action is pending.*

*The steps of the grievance procedure will be followed to the convenience of all parties whenever possible. When meetings are held during work hours, no employee shall suffer loss of pay for time away from his/her duties, nor shall he or she receive extra pay when meetings are held at a time other than working hours. In order to process grievances as expeditiously as possible, every effort should be made to handle each step in the specified time period.*

*If the grievant fails to comply with the time periods or other procedures outlined in this policy, the grievant waives any further right of appeal and the grievance will be considered resolved. If the school system fails to comply with the time periods or other procedures outlined in this policy, the grievant may advance the grievance to the next level. There shall be no other consequences or remedies for failure of the school system to meet the time periods outlined in this policy.*

*The grievance may be voluntarily withdrawn at any level. Once a grievance is withdrawn, it cannot be reopened. If at any time during the grievance process the school system grants the grievant the relief sought, the superintendent or designee may terminate the grievance.*

*No retaliation of any kind shall be taken by the board or by an employee of the Orange County Schools against any party or other employee on account of his or her participation in a grievance proceeding filed pursuant to this policy.*

*The superintendent will develop a grievance form to document each step of the grievance process.*

*Legal References: G.S. 115C-45(c), -305, -325*

# ORANGE COUNTY SCHOOLS EMPLOYEE GRIEVANCE FORM

No grievance shall be heard unless it has been filed in writing within thirty (30) calendar days after the act or condition giving rise to the grievance and states with particularity the basis for the grievance and the remedy sought.

See Orange County Board of Education Policy No. 7220: Employee Complaints and Grievances.

**The individual filing this grievance must be a current/recent employee.**

Name of Employee: (If for a group action, name of employee serving as the representative for the group)	
Position:	
Location:	Telephone: (H)
	(W)
	(C)
Email:	
Name of Immediate Supervisor:	
Name of Person(s) Against Whom Grievance is Filed:	

Date of final administrative decision or condition  
Giving rise to this grievance: \_\_\_\_\_

Nature of Grievance:

Violation of a specified federal law, state law, State Board of Education policy, state rule, or local board policy. Please specify the laws, policies, and/or rules involved:
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State with particularity the factual basis for this grievance. You may attach separate pages if needed.

State the specific remedy sought:

By my signature, I certify that the facts listed above are true to the best of my knowledge and that I have provided a copy of this form to the individuals against whom the grievance is filed.

\_\_\_\_\_  
Employee Name and Signature

\_\_\_\_\_  
Date

Please direct the completed form to Human Resources:

Marcie Holland, Ph.D.  
Assistant Superintendent for Human Resources  
Orange County Schools  
200 East King Street  
Hillsborough, NC 27278  
Fax: 919-732-8120  
[Marcie.Holland@orange.k12.nc.us](mailto:Marcie.Holland@orange.k12.nc.us)

**CLASSIFIED EMPLOYEES:** *Date Reviewed/Approved:* 01/19/2010 *Policy Number:* 7940  
**SUSPENSION AND  
PERSONNEL : DISMISSAL**

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*Rescinds Policy Number:*

*Issued:*

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

~~A. ——— SUSPENSION~~

~~The Superintendent or designee may suspend an employee without pay as a disciplinary sanction. The Superintendent shall provide written notice of the suspension without pay to the employee. This notice will be placed in the personnel file. The suspension without pay may begin immediately. An employee has 10 calendar days from the date of receiving written notice of the Superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the Superintendent's decision and (2) request an appeal before the Board of Education regarding the decision to suspend without pay. If notice of the reason(s) for the suspension is requested, such notice must be provided prior to any board hearing on the decision. If an appeal is not made within this time, an appeal is deemed to be waived. An employee may appeal a suspension on the grounds that there was no rational basis for the suspension; the suspension was discriminatory or was used for harassment; or board policies were not followed.~~

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

~~B. ——— TERMINATION~~

~~As "at will" employees, employees in classified positions may be terminated on any nondiscriminatory basis, including inadequate performance, misconduct, failure to follow board policies or a reduction in staff. All terminations to reduce staff will be in accordance with Policy 7921, Classified Personnel Reduction. All other terminations will be made pursuant to this policy. The Superintendent has the authority to terminate at will employees. The Superintendent should provide written notice to the employee and the Board of the decision to terminate. An employee has 15 calendar days from the date of receiving notice of the Superintendent's decision to take the following actions: (1) request written notice of the reason(s) for the Superintendent's decision and (2) request an appeal of the decision to the Board of Education. If notice of the reason(s) for the termination is requested, such notice must be provided prior to any Board hearing on the termination. The termination is effective during the period of appeal.~~

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

~~The hearing procedures established in Policy 2500, Hearings Before the Board, will be followed. The chairperson will provide written notice of the decision to the employee and the Superintendent as soon as practicable after reaching a decision. The Board may uphold the Superintendent's decision or reinstate the employee for any reason it deems proper, so long as the Board's reason is not discriminatory.~~

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

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

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

~~Cross References: Hearings Before the Board (policy 2500), Classified Personnel Reduction (policy 7921), Annual Independent Audit (policy 8310)~~

~~Adopted:~~

*Classified personnel are employees at will. All actions to dismiss a classified employee shall be conducted in accordance with law. The superintendent and/or Board are authorized to dismiss classified employees.*

*Legal References: G.S. 115C-47, -276, -45(c)*

**FEE-BASED COACHING  
SERVICES FOR CURRENT  
ATHLETES**

*Date Reviewed/Approved:*

*Policy Number: 7770*

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*Rescinds Policy Number:*

*Issued:*

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*To assure all student athletes freedom from pressure to participate in any fee-based athletic programs and to assist coaches in avoiding any potential conflicts of interest, all staff members who serve as high school or middle school coaches are prohibited from:*

- 1) recruiting student athletes to join or participate in any fee-based athletic program at which the coach serves in any paid capacity, regardless of the specific athletic focus of the program;*
- 2) making participation in any fee-based athletic program a requirement for, or condition of, participation on any school athletic team;*
- 3) giving preferential treatment to student athletes with team membership, increased playing time, or otherwise based solely on their participation in a fee-based athletic program; and*
- 4) coaching student athletes in both a school program and a fee-based athletic program during the same athletic season.*



Completed

Pending

On Hold

Eliminated

### Policy Review Committee (Numerical Order)

The list below represents policies that the Board, Attorney and/or staff has identified as needing updating. This list is not intended to be inclusive of every policy; however, it serves as a beginning point for the Policy Committee discussions which began August 28, 2012.  
*New policies will be indicated by being in italics and bold.*

Date Reviewed by Policy Committee	Policy #	Policy Title	Last Revision	Assigned to	Status
	2310	Public Participation at Board Meetings	10/4/2004		
	3210	Parental Inspection and Objection to Instructional Materials	12/6/2004		
	3300	School Calendar and Time for Learning	11/21/2011		
	3420	Student Promotion and Accountability	4/18/2011		
	4125	Student Transfers, Withdrawals, and Releases	4/5/2010		
	4131	Schools Admissions	7/9/2012		
N/A	5007	Athletic Events for Seniors	8/27/2012	Gilbert	Temporary Approval 8/27/2012; 2nd Reading 9/10/2012
	5010	Parent Organizations	12/6/2010		
	5030	Facility Use Policy	1/20/2004		
8/28/2012	<b>7301</b>	<b>Reporting Information to the Principal and External Agencies</b>		Blumberg, Holland	New policy; will be presented to the Board for 1st reading 9/10/12; General Statute reporting requirements are detailed
8/28/2012	7220	Employee Complaints and Grievances	12/3/2007		will be presented to the Board for 1st reading 9/10/12; replaces the current policy and eliminates duplication; also adds a form to be submitted as part of the process
	7406	Supplemental Athletic/Co-Curricular Activities	9/8/2009		
8/28/2012	<b>7770</b>	<b>Fee Based Coaching Services</b>		Holland	presented to subcommittee 8/28/12; Holland will make edits and share with AD's, coaches, principals for feedback; will bring back to the subcommittee at it's next meeting

Completed

Pending

On Hold

Eliminated

### Policy Review Committee (Numerical Order)

The list below represents policies that the Board, Attorney and/or staff has identified as needing updating. This list is not intended to be inclusive of every policy; however, it serves as a beginning point for the Policy Committee discussions which began August 28, 2012.

New policies will be indicated by being in *italics and bold*.

Date Reviewed by Policy Committee	Policy #	Policy Title	Last Revision	Assigned to	Status
8/28/2012	7940	Classified Employees: Suspension and Dismissal	1/19/2010		will be presented to the Board for 1st reading 9/10/12; replaces the current policy and eliminates duplication
	8435	Parent Organizations	11/17/2004		

**PLS Update: August 2012  
Technology Policies Update**

Updated/ New Policy Number	Policy Title	Description of Update	Statute or Other Authority Involved	Notes
1610/7800	Professional and Staff Development	<ul style="list-style-type: none"> <li>• Expands the requirement for professional development to include technology-related training to prepare the instructional staff to integrate technology into instruction.</li> <li>• Updates the cross references.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
<u>3102</u>	<u>Online Instruction</u>	<ul style="list-style-type: none"> <li>• This is an <b>optional new policy</b> recommended to address the use of online learning opportunities.</li> </ul>	SBE policy GCS-M-001; DPI LEA Technology Plan Template, Appendix A	<ul style="list-style-type: none"> <li>• An online instruction policy is <b>strongly recommended</b> by DPI as part of the school system's technology plan.</li> <li>• Boards are encouraged to add additional provisions to this policy to address particular issues of concern in their school systems. For example, the board may wish to use this policy to: limit the number of online courses a student may take; require that the online courses be attended at certain times of day; limit enrollment in online courses to students in certain grades; or allow enrollment only under specified circumstances (for example, the student's school does not offer the course, the school offers the course but it doesn't fit into the student's schedule, a student is homebound or hospital bound due to illness or injury, the student has a full schedule but needs an additional course in order to graduate on time, the student is suspended from the regular school setting but educational services are to be continued, etc.)</li> </ul>
3120	Lesson Planning	<ul style="list-style-type: none"> <li>• Adds a provision directing teachers to consider the effective use of technological resources when planning lessons.</li> <li>• Updates the cross references.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
3200	Selection of <del>Textbooks</del> and	<ul style="list-style-type: none"> <li>• Updates the policy throughout to reflect the growing use of digital resources.</li> <li>• Changes references to the "school media</li> </ul>	G.S. 115C-85; <i>Impact: Guidelines for</i>	

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**PLS Update: August 2012  
Technology Policies Update**

Updated/ New Policy Number	Policy Title	Description of Update	Statute or Other Authority Involved	Notes
	Supplementary Instructional Materials	<p>advisory committee” to the “school media and technology advisory committee,” to be consistent with DPI recommendations reflecting the growing importance of school technology professionals in the selection and effective use of instructional materials.</p> <ul style="list-style-type: none"> <li>• Updates the list of considerations when selecting supplemental materials, based on DPI recommendations.</li> <li>• Makes minor editorial changes throughout.</li> <li>• This update is <b>recommended</b>.</li> </ul>	<i>North Carolina Media and Technology Programs (NC DPI).</i>	
3210	Parental Inspection of and Objection to Instructional Materials	<ul style="list-style-type: none"> <li>• Adds information regarding parental inspection of materials available through the Internet.</li> <li>• Adds a requirement that objections to particular materials be submitted in writing.</li> <li>• Updates references to the “standard course of study” to refer to the “Common Core State and North Carolina Essential Standards.”</li> <li>• Adds a provision, consistent with U.S. Supreme Court precedent, limiting the conditions under which materials may be removed from the school media collection.</li> <li>• Makes minor editorial changes throughout.</li> <li>• Updates the legal references and cross references.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
3220	Technology in the Educational Program	<ul style="list-style-type: none"> <li>• Involves extensive revisions to emphasize the role of technology in the instructional program and to be consistent with the goals of the state technology plan.</li> <li>• Includes two policy statements in the first paragraph that are of particular significance:               <ol style="list-style-type: none"> <li>(1) The board intends to move to classroom digital and technology-enabled teaching and learning resources that are aligned with the Common Core and NC Essential Standards as they become available. (This primarily refers to textbooks</li> </ol> </li> </ul>	<i>North Carolina State School Technology Plan</i>	We strongly recommended that the board receive input from the superintendent, instructional technology staff and other relevant personnel and stakeholders when reviewing this policy.

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**PLS Update: August 2012  
Technology Policies Update**

Updated/ New Policy Number	Policy Title	Description of Update	Statute or Other Authority Involved	Notes
		<p>available at present, but is intended to flexibly encompass future resources as they are developed.)</p> <p>(2) The board will endeavor to ensure that all students have access to personal digital and technology-enabled teaching and learning devices.</p> <p>(This statement was added to the policy to reflect the goals of the state instructional technology plan.)</p> <p>Both of these provisions are <b>optional but recommended</b>. If adopted, these statements represent a significant new commitment by the board. Therefore we strongly recommend that the board seek appropriate input before adopting these revisions.</p> <ul style="list-style-type: none"> <li>• Adds a new section C, providing for a “bring your own technology” initiative. This section is <b>optional</b> and may be modified or omitted altogether if the board does not anticipate implementing a BYOT initiative.</li> <li>• Adds a new section D, which authorizes the superintendent to permit the use and integration of various electronic collaborative communication tools into the instructional program. This provision is <b>optional but recommended</b>.</li> <li>• Adds a requirement that the superintendent plan for technology-enabled professional development to prepare the instructional staff for utilizing digital resources. This provision is <b>optional but recommended</b>.</li> <li>• Makes minor editorial changes throughout. (<b>Recommended</b>)</li> <li>• Updates the legal references and cross references and adds a reference to the State Technology Plan. (<b>Recommended</b>)</li> </ul>		
3225/4312/ 7320	Technology <b>A</b> acceptable <u>Responsible</u> Use	<ul style="list-style-type: none"> <li>• Involves extensive revisions. The change in title reflects a shift from merely imposing a list of “do’s and don’ts” to instead focusing on students being responsible users of technology.</li> <li>• Contains significant updates including: <ul style="list-style-type: none"> <li>◦ A statement that the standards in the policy apply when using school</li> </ul> </li> </ul>		<ul style="list-style-type: none"> <li>• Much of the information relating specifically to Internet safety that was formerly in this policy has been moved to separate policy 3226/4205 so that boards can more easily demonstrate their compliance with the federal requirement to</li> </ul>

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Technology Policies Update**

Updated/ New Policy Number	Policy Title	Description of Update	Statute or Other Authority Involved	Notes
		<p>system resources, whether on or off school system property. (See Section A.)</p> <ul style="list-style-type: none"> <li>o A provision establishing the general expectations for users, including ethical and respectful behavior and compliance with the Code of Student Conduct when using school system technological resources. (See Section A.)</li> <li>o Modifications and additions to the rules for using technological resources. (See Section B.)</li> <li>o An explicit statement permitting limited employee personal use of school system technological resources. (See Section B.)</li> <li>o Modification to the parental consent requirement to require consent before a student may <b>independently</b> access the Internet. This change recognizes the key role that online instruction will play in the classroom and is intended to clarify that consent is only needed for independent access, and not, for example, when the teacher has previewed and approved the sites that the students will encounter in a classroom activity. (See Section D.)</li> <li>o A provision addressing permission that may be necessary to comply with federal law when students create accounts in third party systems for school projects. (See section D.)</li> <li>o An explicit statement that users should not assume the privacy of their files or communications when using school technology resources. (See Section E.)</li> <li>o Removal of information related to employees' personal websites that has been superseded by policy 7335, Employee Use of Social Media, and addition of information related to volunteers. (See Section F.)</li> </ul>		<p>have an Internet safety policy. Although we believe that policy 3225/4312/7320 as it existed before this update sufficiently met that requirement, a separate policy on the topic will make the board's compliance with the requirement more readily apparent.</p> <ul style="list-style-type: none"> <li>• See notes accompanying policy 3226/4205.</li> </ul>

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		<ul style="list-style-type: none"> <li>• Updates the cross references.</li> <li>• Makes minor editorial changes throughout.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
<a href="#">3226/4205</a>	<a href="#">Internet Safety</a>	<ul style="list-style-type: none"> <li>• This is a <b>new policy</b> designed to satisfy the requirements of federal law for receiving universal service discount rates (E-rate) and/or technology funds under the Elementary and Secondary Education Act (ESEA).</li> <li>• The required elements of this policy previously were in policy 3225/4312/7320, Technology Acceptable Use.</li> <li>• The definitions of terms used in this policy are consistent with federal law definitions.</li> <li>• Federal law requires the board to determine which materials that might be encountered on the Internet it considers inappropriate for minors. Section C of this policy specifies that the board has determined that “audio or visual materials that depict violence, nudity or graphic language that does not serve a legitimate pedagogical purpose” are inappropriate for minors, and further directs the superintendent and school technology and media advisory committee to determine what other materials are inappropriate for minors. The board could specify other types of materials, or could omit the list altogether and delegate the entire responsibility for making the determination to the superintendent or other appropriate person(s). We recommend, however, that the board seek legal review of any proposed changes to the language in this section to ensure compliance with First Amendment free speech principles.</li> <li>• Section E expands the requirements for education, supervision and monitoring to comply with federal law and adds a requirement that students acknowledge receipt of the required training.</li> <li>• This policy is <b>strongly recommended</b>. (See notes.)</li> </ul>	Children’s Internet Protection Act, 47 U.S.C. 254(h); Neighborhood Children’s Internet Protection Act, 47 U.S.C. 254(l); Protecting Children in the 21 <sup>st</sup> Century Act, 47 U.S.C. 254(h).	<ul style="list-style-type: none"> <li>• Federal law requires that the board’s Internet safety policy be adopted following reasonable public notice and at least one public hearing. If the board adopts this policy to replace a prior Internet safety policy (such as NCSBA’s model policy 3225/4312/7320, Technology Acceptable Use), the title of the original policy and its adoption date should be noted on this policy so that the original adoption date is maintained. (E-rate applicants must retain Internet safety policy documentation, including both the policy itself and the adoption records, for a period of five years after the end of the last funding year that relied on that policy.)</li> <li>• See notes accompanying policy 3225/4312/7320.</li> <li>• <b>Caution:</b> <ol style="list-style-type: none"> <li>(1) <b>To ensure that the board continuously meets the requirement of having an Internet safety policy, the board should adopt this policy either before or together with the revisions to policy 3225/4312/7320 (but not later).</b></li> <li>(2) <b>If the board elects not to adopt this policy, it must retain certain provisions from existing policy 3225/4312/7320 related to Internet safety that</b></li> </ol> </li> </ul>

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				are necessary to comply with federal requirements (unless the board is not subject to those requirements because, e.g., the board does not receive E-rate discounts or federal technology funds). Please consult your board attorney for further guidance if the board decides not to adopt this policy.
3227/7322	Web Page Development	<ul style="list-style-type: none"> <li>• Makes minor conforming changes to policy titles and terminology.</li> <li>• Modifies the requirements for a disclaimer when publishing a student's work to account for collaborative work or other situations when a student's work legitimately may need to be copied or reused.</li> <li>• Updates the cross references.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
3410	Testing and Assessment Program	<ul style="list-style-type: none"> <li>• Adds information related to online assessments in Section B. The information may be modified.</li> <li>• Adds a reference to the DPI Online Assessments Best Practices Guide.</li> <li>• Makes minor editorial changes.</li> <li>• This update is <b>recommended</b>.</li> </ul>	DPI LEA Technology Plan Template, Appendix A	<ul style="list-style-type: none"> <li>• An online assessments policy is <b>strongly recommended</b> by DPI as part of the school system's technology plan.</li> </ul>
6401	Ethics and the Purchasing Function	<ul style="list-style-type: none"> <li>• Adds a provision prohibiting board members and employees from soliciting or accepting any gift or donation from an E-rate service provider in violation of federal gifting rules.</li> <li>• Updates the legal references.</li> <li>• This update is <b>strongly recommended</b>.</li> </ul>	47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; DPI LEA Technology Plan Template, Appendix A	<ul style="list-style-type: none"> <li>• DPI <b>strongly recommends</b> that board policies address compliance with federal gifting rules as part of the school system's technology plan.</li> </ul>
6524	Network Security	<ul style="list-style-type: none"> <li>• Modifies Section D on training to make it consistent with other technology policies.</li> <li>• Updates the cross references and adds a reference to the NC Wise Password and Workstation Standard.</li> <li>• This update is <b>recommended</b>.</li> </ul>	NC WISE Password and Workstation Standard, (available at <a href="http://www.newisec.org/documents/training_group/docs/Security/WISE_schl_SecurityAd">http://www.newisec.org/documents/training_group/docs/Security/WISE_schl_SecurityAd</a> )	

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			<a href="#">ministration.pdf</a>	
7335	Employee Use of Social Media	<ul style="list-style-type: none"> <li>• Modifies the policy to allow and employee to use non-school-controlled social media websites for instructional or other school-related purposes provided the use meets the requirements of applicable board policies and the employee has the prior written approval of the superintendent or designee and principal.</li> <li>• Clarifies the circumstances under which employees may communicate with students on social media sites.</li> <li>• Updates cross references.</li> <li>• This update is <b>recommended</b>.</li> </ul>		
7730	Employee Conflict of Interest	<ul style="list-style-type: none"> <li>• Adds an explicit statement prohibiting employees from soliciting or accepting gifts from potential providers of E-rate services or products in violation of federal gifting rules.</li> <li>• Updates the legal references.</li> <li>• This update is <b>strongly recommended</b>.</li> </ul>	47 C.F.R. 54.503; FCC Sixth Report and Order 10-175	DPI <b>strongly recommends</b> that board policies address compliance with federal gifting rules as part of the school system's technology plan.
8220	Gifts and Bequests	<ul style="list-style-type: none"> <li>• Adds a provision stating that gifts and donations from E-rate service providers must comply with applicable federal gift rules.</li> <li>• Updates the legal references.</li> <li>• This update is <b>strongly recommended</b>.</li> </ul>	47 C.F.R. 54.503; FCC Sixth Report and Order 10-175	DPI <b>strongly recommends</b> that board policies address compliance with federal gifting rules as part of the school system's technology plan.

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