

ORANGE COUNTY
BOARD OF EDUCATION

AGENDA ITEM ABSTRACT

Meeting Date: October 14, 2013

AGENDA ITEM No. 13-10-08

ACTION ITEM: (Y/N) Y

SUBJECT: Board Policy Subcommittee Recommendations – 2nd Reading Approval

INFO. CONTACT: Dr. Marcie Holland PHONE: 919-732-8126

ATTACHMENTS:

1. Policy # 2430: Dissemination and Preservation of Policies
2. Policy # 3200: Selection of Textbooks and Supplementary Materials
3. Policy # 3210: Parental Inspection of and Objection to Instructional Materials
4. Policy # 7949: Nonrenewal of Probationary Contract Teachers (2013-2014)

PURPOSE: The purpose of this agenda item is to provide the board an opportunity to approve on 2nd Reading Approval new and revised policy reviewed and approved by the Board of Education's Policy Subcommittee.

BACKGROUND: The Orange County Schools Board of Education Policy Subcommittee met on July 22, 2013. Members of the Subcommittee Donna Coffey, Brenda Stephens, Debbie Piscitelli are supported by the board attorney and administrative staff.

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."

During the September 13, 2013, meeting, the Policy Subcommittee recommended revisions to the following current policies. The revised policies are as follows:

1. Policy # 2430: Dissemination and Preservation of Policies (Revised)
2. Policy # 3200: Selection of Textbooks and Supplementary Materials (Revised)
3. Policy # 3210: Parental Inspection of and Objection to Instructional Materials (Revised)
4. Policy # 7949: Nonrenewal of Probationary Contract Teachers (2013-2014) (Revised)

These policies were approved by the board for 1st Reading Approval on September 23, 2013 and are being brought back for 2nd Reading Approval.

FINANCIAL IMPACT: There is no financial impact associated with this agenda item.

RECOMMENDATION: The Superintendent recommends the Board of Education approve the revised policies listed above for 2nd Reading Approval.

**DISSEMINATION AND
PRESERVATION OF
POLICIES**

Date Reviewed/Approved: 10/04/2004

Policy Number: 2430

Rescinds Policy Number: BDD

Issued: 02/28/1979

The superintendent shall establish and maintain an orderly plan for preserving and making accessible the policies adopted by the board and any accompanying administrative procedures or memoranda. It is the policy of the Orange County Board of Education to assure that all staff are aware of and are appropriately trained in the implementation of the Board's policies.

All policies adopted by the board of education will be maintained in both electronic and physical form. The electronic form shall be accessible through the school system website. The physical form shall be kept in a policy manual that will constitute a public record that will be open for inspection at the Board of Education offices during regular office hours. The Board will endeavor to keep both the electronic policies on the website and the physical policy manual updated with the most recent policies adopted by the Board. Any discrepancies between the policies on the website and in the physical manual shall be resolved in accordance with the Board's most recent action on the policy.

The Superintendent shall ensure that all Board members and employees have convenient access to copies of the Board's policies.

All physical policy manuals distributed remain the property of the Board, will be deemed to be "on loan" to any person or organization, and are subject to recall at any time deemed necessary for purpose of amendment, rescission or recodification.

Legal Reference: G.S. 115C-36

SELECTION OF INSTRUCTIONAL MATERIALS

Date Reviewed/Approved: 03/03/2008 Policy Number: 3200

Rescinds Policy Number:

Issued: 02/02/1979, 12/06/2004

In order to help fulfill the educational goals and objectives of the school district, the Board strives to provide instructional materials that will enrich, and support the curriculum while enhancing student learning. Instructional materials should be representative of the rich diversity of our nation and appropriate for the maturity levels and abilities of the students.

A. SELECTION OF TEXTBOOKS

Textbooks are systematically organized materials comprehensive enough to cover the primary objectives outlined in the current statewide instructional standards for a grade or course. Formats for textbooks may be print, non-print or digital media, including hardbound books, softbound books, activity-oriented programs, classroom kits and technology-based programs or materials that require the use of electronic equipment in order to be used in the learning process.

Digital textbooks/materials will be used as the primary means to help students meet goals and objectives of the current statewide instructional standards, unless the Board approves alternative materials. The central curriculum committee or school through its school improvement plan may submit a request for the use of alternative materials. The request should identify how the committee or school has ensured that the curriculum will continue to be aligned with the current statewide instructional standards and to meet the educational goals of the Board.

B. SELECTION OF SUPPLEMENTARY MATERIALS

Supplemental materials are instructional and learning resources which are selected to complement, enrich or extend the curriculum. Such resources include, for example, specialized materials selected to meet diverse needs or rapidly changing circumstances, library materials, digital resources, the school system's media collection, classroom collections and teacher-selected resources for individual classes.

C. OBJECTIVES FOR SELECTION OF SUPPLEMENTARY MATERIALS

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

- a. to provide a wide range of materials that will enrich and support the curriculum, taking into consideration the individual needs and varied interests, abilities, socio-economic backgrounds, learning styles and developmental levels of the students served;
- b. to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;
- c. to provide a background of information that will enable students to comprehend their role as citizens in society and to make intelligent judgments in their daily lives;

- d. to provide resources representing various points of view on controversial issues so that students as young citizens may develop, under guidance, the skills of critical thinking and critical analysis;
- e. to provide resources representative of the many religious, ethnic and cultural groups in our nation and the contributions of these groups to our American heritage; and
- f. to place principle above personal opinion and reason above prejudice in the selection of material of the highest quality in order to ensure a comprehensive collection appropriate for all users.

D. PROCESS AND CRITERIA FOR SELECTING SUPPLEMENTARY MATERIALS

The responsibility for the selection of supplementary materials is delegated to the professional staff under the direction of the Superintendent and will be made primarily at the school level with the involvement of a school media and technology advisory committee. The committee shall be appointed by the principal and may include teachers and instructional support personnel representing various subject areas and grade levels and, if on-staff in the school, the library media coordinator and the technology facilitator. Students and parents also may be involved when feasible.

The selection process used by the committee will include: (1) an evaluation of the existing collection; (2) an assessment of the available resource and curriculum needs of the school; and (3) consideration of individual teaching and learning styles. In coordinating the selection of resources, the committee should use reputable, unbiased selection tools prepared by professional educators and should arrange, when possible, for firsthand examination of resources to be purchased. When examining proposed materials, the committee should consider the following factors:

- a. the material's overall purpose, educational significance and direct relationship to instructional objectives and the curriculum and to the interests of the students;
- b. the material's reliability, including the extent to which it is accurate, authentic, authoritative, up-to-date, unbiased, comprehensive and well-balanced;
- c. the material's technical quality, including the extent to which technical components are relevant to content and consistent with state-of-the-art capabilities;
- d. the material's artistic, literary and physical quality and format, including its durability, manageability, clarity, appropriateness, skillfulness, organization and attractiveness;
- e. the possible uses of the material, including suitability for individual, small group, large group, introduction, in-depth study, remediation and/or enrichment;
- f. the contribution the material will make to the collection's breadth and variety of viewpoints;
- g. recommendations of school personnel and students from all relevant departments and grade levels;
- h. the reputation and significance of the material's author, producer and publisher; and

- i. the price of the material weighed against its value and/or the need for it.

E. MATERIALS BROUGHT IN BY TEACHERS

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

F. REMOVAL OF OUTDATED SUPPLEMENTARY MATERIALS

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

G. ACCEPTANCE OF GIFT MATERIALS

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

H. CHALLENGES TO TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

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

Legal References: U.S. Const. amend. I; N.C. Const. art. I, §14; G.S. 115C-45, -47, -81, -98, -101, -105.27; Board of Education vs Pico, 457, U.S. 853 (1982) *Impact: Guidelines for North Carolina Media and Technology Programs*, North Carolina Department of Instruction, (2005), *The Library Bill of Rights*, The American Library Association, (1996)

Adopted:

**PARENTAL INSPECTION AND
OBJECTION TO INSTRUCTIONAL
MATERIALS**

Date Reviewed/Approved: 12/06/2004 *Policy Number:* 3210

Rescinds Policy Number: KN, KNBA,KNBA-R, KNBA-E, ICD *Issued:* 02/28/1979; 08/07/2000; 02/28/1979

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

The Board recognizes that parents may have concerns about instructional materials used in the school district. Thus, the Board provides opportunities for parents to review instructional materials and to object to the use of materials in their children's education.

A. PARENTAL RIGHT TO INSPECT MATERIALS

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

B. PARENTAL OBJECTION TO MATERIALS

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

If the principal and the committee determine that any material violates constitutional or other legal rights of the parent or student, the principal and the committee will either remove the material from instructional use or accommodate the particular student and parent. Before any material is removed, the principal and the committee will ensure that the curriculum is still aligned with the Common Core State and North Carolina Essential Standards and articulated from grade to grade. If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objections after considering the effect on curriculum, any burden on the school, teacher or other students that the accommodation would create, and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

The decision of the committee and principal may be appealed to the Superintendent. The decision of the Superintendent may be appealed to the Board.

The Superintendent may develop the necessary administrative procedures to implement this policy.

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

**NONRENEWAL OF
PROBATIONARY
CONTRACT
TEACHERS (2013-2014)**

Date Reviewed/Approved: 05/16/2011 Policy Number: 7949

Rescinds Policy Number:

Issued: 05/17/2010, 05/17/2010

A. Notice of Nonrenewal Recommendation and Requests for Information and a Hearing

1. The Superintendent shall provide written notice by May 15 to a teacher on a probationary contract of a recommendation to not renew his or her contract. The notice shall inform the teacher of the right to file a written request to the Superintendent within 10 calendar days for (a) the reasons and documents in support of the nonrenewal recommendation and (b) a hearing before the Board. If the teacher does not file a request to the Superintendent within 10 calendar days, the teacher waives the right to receive the reasons and documents in support of the nonrenewal recommendation and no hearing will be granted.

If the teacher files a timely request for the reasons and documentation in support of the nonrenewal recommendation, the Superintendent shall provide the requested information, and the teacher shall be given 10 calendar days to submit supplemental information to the Superintendent and Board for consideration prior to the Board making a decision.

If the teacher files a timely request for a hearing, the written request, at a minimum, shall state with particularity the reasons why a hearing is necessary and why the Board could not adequately review the Superintendent's nonrenewal recommendation based on documents already provided by the Superintendent and teacher. The Superintendent will forward any timely requests to the Board Chair and Vice Chair who will determine whether a hearing shall be granted. The Chair and Vice Chair of the Board shall review the request and notify the teacher whether the Board will grant a hearing. If the Chair and Vice Chair do not agree on whether to grant the request, a Board hearing will be allowed. The decision of the Board Chair and Vice Chair on whether to grant a discretionary hearing shall be final.

B. Hearing Procedure: The following procedures shall apply to any hearing granted in accord with Section A of this policy:

1. The Board of Education may designate a hearing panel of at least three Board members to hear the appeal. The decision of a Board panel shall be final.
2. The teacher and Superintendent will be notified of the time, date, and place of the hearing. At least two work days before the day of the hearing, the teacher and Superintendent will provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority vote of the Board or Board panel. The teacher shall include with these documents a statement of the specific reasons for challenging the superintendent's recommendation.
3. A record of the hearing shall be made and maintained by the Board.

4. The hearing shall be informal. Formal rules of evidence will not apply. The teacher and the Superintendent may be represented by legal counsel and may present witnesses. Unless otherwise modified by the Board or Board panel, each side will be allowed 30 minutes to make a presentation. The Superintendent shall make his/her presentation first, followed by the teacher. Either party may reserve time for rebuttal. The Board or Board panel may limit or exclude duplicative or irrelevant evidence.

C. Board Decisions on Teacher Nonrenewal

1. The Board or Board panel may uphold the Superintendent's recommendation if it finds that the reason(s) for the recommendation is not arbitrary, capricious, discriminatory, personal, or political.
2. The Board must notify the teacher whose probationary contract will not be renewed for the next school year of its decision by June 15. However, if the teacher submits a formal request for information as specified in this policy or for a hearing, the Board shall provide the nonrenewal notification by July 1 or such later date upon written consent of the superintendent and the teacher. The Board's decision is subject to judicial review in accordance with Article 4 of Chapter 150 B of the North Carolina General Statutes.

Legal Ref.: G.S. 115C-45, G.S. 115C-325, SB 402 (2013)

Adopted: March 23, 2010

Revised: