

**ORANGE COUNTY
BOARD OF EDUCATION**

AGENDA ITEM ABSTRACT

Meeting Date: September 23, 2013

AGENDA ITEM No. 13-09-(2)-11

ACTION ITEM: (Y/N) Y

SUBJECT: Board Policy Subcommittee Recommendations – 1st Reading Approvals

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 # 5027/7375: Weapons and Explosives Prohibited
5. Policy # 7949: Nonrenewal of Probationary Contract Teachers (2013-2014)
6. Policy # 8705: Contract Administration

PURPOSE: The purpose of this agenda item is to provide the board an opportunity to approve on 1st Reading Approval new and revised policy reviewed and approved by the Board of Education 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 # 5027/7375: Weapons and Explosives Prohibited (Revised)
5. Policy # 7949: Nonrenewal of Probationary Contract Teachers (2013-2014) (Revised)
6. Policy # 8705: Contract Administration (Revised)

Due to legislative requirements of an October 1, 2013, implementation for policy # 5027/7275: Weapons and Explosives Prohibited, the Superintendent is recommending that the Board waive 2nd reading approval of this policy. Also, the Superintendent recommends that the Board waive 2nd reading approval of policy # 8705: Contract Administration as this policy was revised and approved in February 2013.

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 1st Reading Approval, and that the Board waive 2nd Reading Approval for policies 5027/7275 and 8705.

DISSEMINATION AND PRESERVATION OF POLICIES

Date Reviewed/Approved: 10/04/2004 Policy Number: 2430

Rescinds Policy Number: BDD

Issued: 02/28/1979

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

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

~~All policy manuals distributed remain the property of the board and 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.~~

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 TEXTBOOKS
AND SUPPLEMENTARY
INSTRUCTIONAL
MATERIALS**

Date Reviewed/Approved:

Policy Number: 3200

Rescinds Policy Number:

Issued: 2/2/79, 12/06/2004, 3/03/2008

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

A. SELECTION OF TEXTBOOKS

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.

State approved textbooks Digital textbooks/materials will be used unless alternative materials are approved 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 North Carolina Standard Course of Study the current statewide instructional standards, articulated from grade to grade and to meet the educational goals of the Board. A committee consisting of representatives from each school will review and agree upon district-wide textbook selections.

B. SELECTION OF SUPPLEMENTARY MATERIALS

The selection of Supplemental learning materials for school use will be made primarily at the school level with the involvement of an advisory committee. 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. The committee should include media specialists, teachers and instructional support personnel representing various subject areas and grade levels, as well as parents. Students also should be involved when feasible. Principals will be responsible for establishing rules concerning what materials may be brought in by teachers without review. Principals are encouraged to involve teachers in establishing these rules.

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 coordinator 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 district 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), <http://www.newiseowl.org/zones/mediatech/impact/IMPACT.pdf>; *The Library Bill of Rights*, The American Library Association, (1996) <http://www.ala.org/ala/oif/statementspols/statementsif/librarybillrights.htm>

Adopted:

**PARENTAL INSPECTION OF AND
OBJECTION TO INSTRUCTIONAL
MATERIALS**

Date Reviewed/Approved:

Policy Number: 3210

Rescinds Policy Number: KN, KNBA,KNBA-R, KNBA-E, ICD Issued: 2/28/79; 8/7/00; 8/7/00; 8/7/00; 2/28/79,12/06/2004

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 and supplementary 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 ~~standard course of study~~ **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 ~~such~~ **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 ~~will be responsible for~~ ***may*** developing any 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

WEAPONS AND EXPLOSIVES PROHIBITED

Date Reviewed/Approved: 11/19/2007

Policy Number:
5027/7275

Rescinds Policy Number:

Issued:

~~The board of education is committed to providing a safe school environment and that is free from violence, to the maximum extent possible. Employees, visitors and other persons are prohibited from possessing, carrying, using or threatening to use, or encouraging another person to possess, carry, use or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school. This policy applies to weapons or explosives carried openly or concealed.~~

~~Any employee who violates this policy shall be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violations of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event must immediately report it to the superintendent or building principal.~~

A. ~~WEAPONS AND EXPLOSIVES DEFINED~~

~~For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol or other firearm of any kind; or any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), fireworks or any sharp pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine or powerful explosive as defined in G.S. 14-284.1.~~

B. ~~SCHOOL PROPERTY~~

~~For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used or operated by the board of education.~~

C. ~~EXCLUSIONS~~

~~This policy shall not apply to:~~

- ~~1. a weapon or explosion used solely for educational or school sanctioned ceremonial purposes, or used in a school approved program conducted under the supervision of an adult whose supervision has been approved by the school authority; or~~
- ~~2. Law enforcement, including School Resource Officers, firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the school board, when acting in the discharge of their official duties.~~

~~Legal References: G.S. 14-69.2, 269.2, 284.1; 20-17~~

~~Cross References:~~

~~Adopted:~~

~~Updated: September 24, 1999~~

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Employees, students, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer as appropriate.

A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; and any sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

C. EXCLUSIONS

This policy does not apply to:

1. a weapon or explosive used solely for educational or school-sanctioned ceremonial purposes, or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority;
2. a handgun in a closed compartment or container within the person's locked vehicle or in a locked container securely affixed to the person's vehicle if the person has a concealed handgun permit valid under state law or is exempted by state law from needing a permit to carry a concealed handgun (the person may unlock the vehicle to enter or exit the vehicle provided the handgun remains in the closed compartment at all times and the vehicle is locked immediately following the entrance or exit);
3. firefighters, emergency service personnel, North Carolina Forest Service personnel, and any private police employed by the board of education, when acting in the discharge of their official duties;
4. law enforcement officers or other persons as provided in G.S. 14-269.2(g)(1a); or
5. a volunteer school safety resource officer providing security at a school pursuant to an agreement as provided in G.S. 115C-47(61), provided that the volunteer school safety resource

officer is acting in the discharge of his or her official duties and is on the educational property of the school that the officer was assigned to by the head of the local law enforcement agency.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Revised: September 24, 1999

**PROBATIONARY
TEACHERS:
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

The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient, so long as the cause is not arbitrary, capricious or discriminatory or for personal or political reasons. Probationary teachers during the term of their contract will be demoted or dismissed only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

A. Teacher Rights Upon Nonrenewal

By no later than May 15, the superintendent shall provide written notice to a probationary teacher of the superintendent's recommendation for nonrenewal. The notice shall inform the teacher of the teacher's right to file a written request to the superintendent within 10 days of (a) the reasons and documents in support of the superintendent's recommendation and (b) a hearing before the board if the teacher is eligible at the time for a career status decision. There is no right to a hearing if the reason for the recommended nonrenewal is a decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding. The failure to file a timely request within 10 days shall result in a waiver of the right to this information. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A probationary teacher, whose contract is not in the final year before the probationary teacher is eligible for career status, has the right to petition the board for a hearing regarding the superintendent's recommendation for nonrenewal. The board will notify the probationary teacher of its decision whether to grant a hearing.

The board will notify the probationary teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher submitted a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or a later date upon the written consent of the superintendent and teacher.

A. HEARING PROCEDURE

If a probationary teacher eligible for a career status decision files a timely request for a hearing, or if any other probationary teacher is granted a discretionary hearing following the filing of a timely petition, the following procedure shall apply:

1. The board may designate a hearing panel of at least three board members to hear the appeal. The decision of the 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 shall 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 do 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.

~~B. NONRENEWAL DUE TO REDUCTION IN FORCE: PROBATIONARY STATUS~~

~~The provisions in this section apply to full-time permanent probationary teachers who (1) are non-renewed because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board within three years of their nonrenewal.~~

~~The provisions in this section also apply to full-time permanent probationary teachers who (1) resign in good standing effective at the end of the school year after receiving documentation that their position may be eliminated because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board.~~

~~1. Teachers Not Eligible for Career Status at the Time of Nonrenewal~~

~~The intervening years when the teacher was not employed by the board shall not be deemed to constitute either a break in continuity of years of service or a consecutive year of service for purposes of determining eligibility for career status, provided the teacher gives notice as required in subsection 3.b., below.~~

~~2. Teachers Eligible for Career Status at the Time of Nonrenewal~~

~~Teachers who have met all service requirements to be eligible for career status pursuant to policy 7410 at the time of their nonrenewal shall be eligible for a career status decision after one additional year of employment upon being rehired, provided the teacher gives notice as required in subsection 3.b., below.~~

~~3. Required Notice~~

~~a. Within 60 calendar days of the teacher's first day of employment upon being rehired, the teacher must:~~

- ~~(1) give written notice to the assistant superintendent for human resources that the teacher's nonrenewal did not constitute a break in service because it was pursuant to policy 7920, Professional Personnel Reduction in Force; and~~
- ~~(2) provide information establishing to the satisfaction of the superintendent that the teacher was non-renewed because of a decrease in the number of positions triggered by decreased funding or enrollment or due to school system reorganization.~~

~~b. The superintendent or designee shall notify the teacher of the 60-day deadline using a method reasonably calculated to provide actual notice. If the superintendent or designee fails to provide notice within 30 calendar days after the teacher's first day of employment upon rehiring, the teacher's obligation to provide notice shall not commence until such time that the teacher is notified by the superintendent or designee of the 60-day deadline.~~

- e. ~~The superintendent is not authorized to waive the notice required from the teacher by this subsection without the prior approval of the board.~~
- 4. ~~Superintendent's Decision and Board Review~~
 - a. ~~The superintendent shall issue a written decision to the teacher within a reasonable period of time upon receiving the information required by this section.~~
 - b. ~~Within 10 calendar days of receipt, the teacher may petition the board in writing for review of the superintendent's decision.~~
 - c. ~~The board will review the matter on the record and issue a written decision.~~

Legal References: G.S. 115C-45(e), 325

Cross References: Career Status (policy 7410), Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)

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:

**CONTRACT
ADMINISTRATION**

Date Approved: 02/25/2013

Policy Number: 8705

Rescinds Policy Number: DJEG

Issued: 3/01/1982, 11/17/2004

Except as otherwise provided by Board policy, all system-level service contracts, made on behalf of the Board of Education involving expenditures exceeding fifty thousand dollars (\$50,000), must receive prior approval from the Board. Unless otherwise prohibited by statute, state regulation, or other Board policy, the Superintendent or his/her designee is authorized to enter into service contracts and approve individual change orders and approve individual change orders to service contracts involving amounts up to fifty thousand dollars (\$50,000). The Superintendent must report all service contracts and their change orders between thirty thousand dollars (\$30,000) and fifty thousand dollars (\$50,000) to the Board quarterly. Service contracts for unanticipated expenditures exceeding fifty thousand dollars (\$50,000) for direct or related services to exceptional children may be undertaken by the Superintendent conditioned on final approval by the Board at its next scheduled meeting. The vendor shall be notified that Board approval is required. Where feasible, the Superintendent or his/her designee shall seek informal bids for all contracts.

The Superintendent shall may develop administrative procedures for implementation of this policy.

All system-level service contracts must be pre-audited by the Finance Officer and reviewed by the Board's attorney before they are awarded executed on behalf of the school system.

All system-level contracts in excess of fifty thousand dollars (\$50,000) shall be reviewed by the Board attorney. In addition, all other system-level contracts shall be reviewed by the Board attorney unless the contract is on a Board attorney approved form. Finally, the Superintendent is authorized to refer any contract to the Board attorney for review.

In addition, all service contracts involving construction or repair work must be undertaken in compliance with Chapter 143 of the North Carolina General Statutes and Board policies.

Contract administration authority and procedures for purchases shall be governed by Policy 8700: Purchasing Requirements for Equipment, Materials & Supplies.

School Principal Contracting Authority

School principals may enter into contracts with a term of one year or less for:

- A. School pictures;
- B. Yearbooks and school newspapers (all other contracts for printing of reports, forms, etc., should be handled through the finance officer);
- C. Fund-raising activities undertaken in compliance with Board policies;
- D. Disc jockeys/bands and facilities for dances to be paid for with school funds;
- E. Athletic officials and other persons working at athletic events to be paid from athletic funds derived from gate receipts;
- F. Class rings;
- G. Caps and gowns;
- H. Senior supplies (i.e., invitations, note cards, class keys, etc.)-and
- I. Vending

School principals may enter into other contracts with a term of one year or less for goods or services in amounts up to \$500.00 without prior approval, provided there are sufficient funds in the local school account to cover the contract and the contract is executed during the current fiscal year. Principals are required to present contracts in excess of one year to the Superintendent for approval. Principals shall submit quarterly reports to the school system's finance officer of all school contracts.

Legal Reference: G.S. 115C-288, -518, -522; 143-129 to -133