TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: **1720/4030/7235**

The school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: Emily Shaw
Office Address: 441 Page Street, Troy, NC 27371
Email Address: TitleIXCoordinator@montgomery.k12.nc.us
Phone Number: 910-576-6511

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy 1740/4010, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 1750/7220, Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the

school system occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020)

Cross References: Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Staff-Student Relations (policy 4040/7310)

Other Resources: *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, U.S. Department of Education, Office for Civil Rights (2021)

Adopted: November 2, 2020

Updated: March 1, 2021

The board and each member of the board recognize that they are subject to North Carolina's criminal laws related to conflicts of interest in public office and that a board member may not use his or her office for personal benefit. The board and each member of the board further recognize that they are subject to the standards established by the federal government for recipients of federal grants as specified in policy 8305, Federal Grant Administration. The board and each member of the board understand that violation of state and federal laws and regulations on conflicts of interest may result in conviction of a crime, may render a contract of the board void, or may result in loss of federal funds. In keeping with the ethical duties specified in policy 2120, Code of Ethics for School Board Members, board members will not let any personal or business interest interfere with their duties as public officials.

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

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

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

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

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

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

   For purposes of G.S. 14-234, a board member is involved in administering a contract if he or she oversees the performance of the contract or has authority to interpret or make decisions regarding the contract. A board member is involved in making a contract if he or she participates in the development of the specifications or terms of the contract or participates in the preparation or award of the contract. A board member is also involved in making a contract if the board takes action on the contract, even if the specific board member did not actually participate in that action, unless the contract is approved under an exception to the law under which the board member is allowed to benefit and is prohibited from voting.

   A board member derives a direct benefit from a contract if the board member or his or her

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

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

4. A board member will not deliberate on, vote on, or otherwise engage in the selection, award, or administration of a contract supported in whole or part by federal funds when he or she has a real or apparent conflict of interest under federal rules as provided in 2 C.F.R. 200.318(c)(1) and policy 8305, Federal Grant Administration. For purposes of this paragraph, a conflict of interest arises when a board member or his or her spouse, immediate family member, or partner, or the employer or pending employer of any of those persons, has a financial or other interest in or receives a tangible personal benefit from a firm considered for the contract. Any such conflict must be disclosed to the awarding agency.

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

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

   Multiple permitted items from a single contractor, subcontractor, or supplier may not

exceed an aggregate value of $100 in a twelve-month period.

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

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

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

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

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

Cross References: Code of Ethics for School Board Members (policy 2120), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: January 18, 2011
Updated: June 2, 2014
Updated: January 11, 2016
Updated: December 3, 2018
Updated: December 7, 2020

The designated officers of the board will be the chairperson, vice-chairperson, chairperson pro tempore, and secretary.

The officers of the board will perform all duties and exercise the authority imposed or conferred upon them by the statutes of the State of North Carolina and by the State Board of Education.

A. DUTIES OF THE CHAIRPERSON

1. The chairperson has the following duties:

   a. preside at all meetings of the board;

   b. preserve order at all times;

   c. appoint committee members and chairpersons;

   d. serve as ex-officio member of all committees;

   e. call special meetings; and

   f. sign official system documents.

   The chairperson will perform all duties required of the office by law and execute all documents on behalf of the board.

2. In order to address the board, a member must be recognized by the chairperson. The chairperson has the following powers:

   a. to rule motions in or out of order, including the right to rule out of order any motions patently offered for obstructive or dilatory purposes;

   b. to determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks;

   c. to entertain and rule on questions of parliamentary procedure;

   d. to call a brief recess at any time; and

   e. to adjourn in an emergency.

3. The chairperson will have a vote on all matters for which a motion is made and will serve as spokesperson of the board for communicating the board's position to the public.

B. DUTIES OF THE VICE-CHAIRPERSON

In the absence of the chairperson, the vice-chairperson of the board will assume all the rights and responsibilities of the chairperson and will perform other duties assigned by the chairperson.

C. DUTIES OF THE CHAIRPERSON PRO TEMPORE

In the absence of both the chairperson and vice-chairperson, the board may elect a chairperson pro tempore for that meeting only, and the appointment of such temporary officer will be noted in the minutes. While so serving, a chairperson pro tempore performs the regular duties of the chairperson.

D. DUTIES OF THE BOARD SECRETARY

The superintendent shall serve as ex-officio secretary to the board. The superintendent shall keep the minutes of the meetings of the board but shall have no vote. In the event of a vacancy in the superintendency, or if the superintendent is excluded for a closed session, the board may elect one of its members to serve temporarily as secretary to the board.

As secretary to the board, the superintendent shall:

1. record all proceedings of the board;

2. issue all notices and orders that may be made by the board;

3. ensure that the minutes of the meetings of the board are promptly and accurately recorded in the minutes book, which must be kept in the office of the superintendent and be open to public inspection during regular business hours;

4. manage all correspondence on behalf of the board, unless the board directs otherwise;

5. prepare and distribute copies of the agenda as required by law and board policy;

6. maintain board members' manuals of policies and administrative regulations in current status or, alternatively, ensure board members have effective access to the current electronic versions of the manuals;

7. advise the board of policies previously adopted that affect items on the agenda requiring policy consideration;

8. in the absence of the chairperson and vice-chairperson, call the board meeting to order and conduct the election of a chairperson pro tempore; and

9. perform other duties as required by state law or board policy.

Legal References: G.S. 115C-41(a), -276(b)

Cross References:

Adopted: March 6, 2000

PUBLIC PARTICIPATION AT BOARD MEETINGS

Policy Code: **2310**

Board meetings are conducted for the purpose of carrying on the official business of the school system. The public is cordially invited to attend board meetings to observe the board as it conducts its official business.

The board of education, as an elected representative body of the school system, also wishes to provide a forum for citizens to express interests and concerns related to the school system. In order that the board may conduct an orderly meeting while providing an opportunity for input, individuals or groups may be heard by the board in accordance with this policy or subsection D.3 of policy 2300, Board Meetings, which addresses public hearings.

A. REQUESTS TO PLACE ITEM ON THE AGENDA

In order that the board may fairly and adequately discharge its overall responsibility, citizens desiring an item to be placed on the agenda for a specific board meeting should direct written requests to the superintendent at least six working days prior to the meeting.

The request should include: (1) the name and address of the person or persons making the request; (2) the organization or group, if any, represented; and (3) a brief explanation of the nature of the item. Questions and/or materials to be presented to the board are to be submitted along with the request.

The superintendent shall confer with the chairperson of the board concerning whether to approve placing the requested item on the agenda and to determine the appropriate meeting for such discussion. The superintendent, with the consent of the board chairperson, shall accept or deny a request for inclusion on the agenda for any reason determined appropriate by the superintendent and chairperson.

The superintendent shall notify the requesting party of the response to the request. If the request is denied, the superintendent shall explain any other processes available for addressing the concerns. (See Section C, Reports of Complaints, below.) At the meeting, the board may, by majority vote and notwithstanding prior denial by the superintendent, add an item to the agenda before the agenda is adopted. After the agenda has been adopted, a two-thirds vote is required to add a new item to the agenda.

The chairperson shall establish the amount of time for individual or group presentations.

B. PUBLIC COMMENT

Each month, the first part of at least one regularly scheduled board meeting will be set aside for citizens to address the board through public comment. Each speaker will receive three minutes to present comments; however, the public comment session will not exceed 30 minutes total except by majority vote of the board. A sign-up sheet will be available 30

minutes before the meeting begins for any individual or group to indicate their desire to address the board. During the public comment period, the board chair will recognize speakers in the order in which they signed in. Substitute speakers will not be permitted and speakers may not donate any portion of their time to another speaker. If a speaker is unable to present all of his or her information within the specified time limit, the speaker may provide the board with the additional information in written form. If an unusually large number of people request to speak, a majority of the board may decide to reduce the time for each individual or to require the designation of a spokesperson for each group of persons supporting or opposing the same positions. At any time, the board may establish additional procedures to ensure that public comment sessions proceed in an efficient and orderly manner.

Board members will not respond to individuals who address the board except to request clarification of points made by the presenter.

Except in cases of emergency, information received during presentations will not be acted upon at the time it is received. It will take unanimous vote of the board members present to take action on a presentation considered to be of an unusual or emergency nature at the time it is presented.

Disruptions by any person or persons of a public meeting will be subject to action in accordance with G.S. 143-318.17.

If the board does not hold a regular meeting during a month, the board will not provide a time for public comment at any other meeting held during that month, unless a majority of the board votes to allow public comment at the meeting or unless the purpose of the meeting is a public hearing.

To conduct the meeting in an orderly and efficient manner, the following guidelines have been established:

1. Individuals requesting to speak during the public comment period may sign up prior to the meeting.
2. Groups with a common issue are advised to select one spokesperson.
3. Comments must be issue-oriented; complaints against any employee, board member, or involving a specific student discipline issue, will not be heard in public session and should be submitted to the appropriate administrative personnel.
4. Proper decorum and civility is expected of all speakers. Speakers must refrain from personal attacks, insults, displays of temper or abusive language directed at the Board, individual Board members, staff, or members of the general public. In such cases, the Board Chair may terminate the speaker's time.
5. To maximize participation comments will be limited to three minutes per speaker. A timer will be in place and speakers are required to finish in the allotted time.
6. Speakers may not yield or give their time to other speakers.

7. The Chair (or designee) will invite to the microphone those who have registered to speak prior to the start of the meeting.
8. Persons who interrupt, disrupt, or cause a disturbance at the meeting may be directed to leave by the Board Chair or presiding officer.

C. REPORTS OF COMPLAINTS

Complaints about the performance of school personnel, implementation of board policy, the quality of the educational program, or school facilities should be submitted initially for a response to the school system official responsible for the program or facility or to the superintendent. The superintendent or designee shall make available this policy and other relevant grievance procedures to any individual or group submitting a complaint.

Legal References: G.S. 115C-36, -51; 143-318.10, -318.17

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Role of Board Members in Handling Complaints (policy 2122), Board Meetings (policy 2300), Board Meeting Agenda (policy 2330)

Adopted: March 6, 2000
Updated: November 13, 2007
Updated: April 6, 2009
Updated: December 7, 2015
Updated: August 7, 2017
Updated: December 4, 2017
Updated: January 10, 2022

The board of education reserves to itself the functions of developing and revising policies for the school system. The formation and adoption of policies will constitute the primary method through which the board exercises its leadership in the operation of the school system. All policy decisions will be made while keeping in mind the board's objective to provide students with the opportunity to receive a sound basic education.

Board policy is applicable to all schools and programs within the school system unless (1) the board directs otherwise in an individual policy or (2) the board grants a school a waiver requested under policy 3430, School Improvement Plan. ~~However~~ In addition, unless otherwise directed by the board, the superintendent may exempt any school designated as a restart model authorized by G.S. 115C-105.37B(a)(2) from any board policy requirements that correspond to a state statute or rule from which restart schools are exempted by law.

Legal References: G.S. 115C-36, -47, -105.37B(a)(2); *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), School Improvement Plan (policy 3430)

Adopted: January 11, 2016
Updated: December 4, 2017

A. POLICY DEVELOPMENT

The board assigns to the superintendent the responsibility of continued review and evaluation of the policies adopted by the board and of bringing to the board's attention the need for adopting, revising, or rescinding particular policies.

Any board member, individual, group of citizens, student, or employee may initiate proposals for new policies or changes to existing policies. The initiator must refer the suggestions to the superintendent for study prior to public discussion of the proposal and board action.

As appropriate in the development of proposed new policies or the revision of existing policies, the superintendent shall seek input from the board attorney, other professionals, school system personnel, parents, students, and citizens.

Proposals to adopt, revise, or rescind policies may be added to the agenda in accordance with board policy 2330, Board Meeting Agenda.

B. ADOPTION OF NEW POLICIES

New policies introduced and recommended at a board meeting will not be adopted until a subsequent meeting. Thus, time will be given for further study and for interested parties to react. However, temporary approval may be granted by the board in lieu of formal policy adoption to meet emergency conditions or special events that will take place before a policy can be adopted formally.

During discussion of a policy proposal, the views of the public, parents, students, and staff will be considered. Board members may propose amendments at the first or second reading of the policy. An amendment will not require that the policy go through a third reading except as the board determines that the amendment needs further study and that an additional reading would be desirable.

In order for a policy to be considered official board policy, the board must adopt the policy by majority vote and the superintendent must record the policy in the minutes of the board meeting. Unless otherwise specified by the board, a policy is effective as of the date it is adopted by the board.

C. REVISION OR RESCISSION OF EXISTING POLICY

The board may revise or rescind an existing board policy only by majority vote. If a proposal to revise or rescind a policy is included in the published meeting agenda, the board may take action on the proposal at that board meeting. If, however, a proposal to revise or rescind a policy is presented at the board meeting as an addendum to the

published agenda, the board will not take action on the proposal until a subsequent meeting.

The superintendent is authorized to correct typographical errors in existing policies and to make technical and conforming changes necessitated by changes in state and federal law. Such changes are effective immediately subject to ratification by majority vote by the board at its next board meeting.

D. SUSPENSION OF EXISTING POLICY

The operation of any section or sections of board policies not established by law or contract may be suspended temporarily by majority vote.

Legal References: G.S. 115C-36

Cross References: Board Meeting Agenda (policy 2330)
Adopted: March 6, 2000

DISSEMINATION AND PRESERVATION OF POLICIES

Policy Code: **2430**

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.

A physical policy manual will be kept at the board of education offices to serve as the official policy manual of the board and will be available for inspection by the public during regular office hours. An electronic duplicate of the official policy manual will be accessible through the school system website. The board intends that the official physical manual and the electronic duplicate will have identical content at all times. However, should a discrepancy between the two arise, it will be resolved in accordance with the board's most recent action on the policy. ~~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 which will constitute a public record that will be open for inspection at the board of education offices during regular office hours.~~

The superintendent or designee shall update both the physical policy manual and the electronic copy in a timely manner as new policies are adopted and existing policies are revised or rescinded by the board. The superintendent shall also ensure timely upkeep of any copies of the manual that have been distributed in physical or electronic form. ~~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 will ensure that all board members and employees have convenient access to copies of the board's policies manual.

All physical 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 purposes of amendment, rescission, or recodification.

Legal References: G.S. 115C-36

Cross References: Policy Development (policy 2410)

Adopted: March 6, 2000
Updated: January 14, 2013

As situations demand, the board may utilize consultants from various fields, including architects, personnel consultants, and instructional/educational consultants. In each case, the board will comply with the requirements of policy 6450, Purchase of Services, in procuring consultant services ~~advertise for proposals as required by law or as deemed necessary by the board~~ and will enter into a written contract with the consultant selected, outlining the tasks to be performed, the dates for completion, evaluation procedures, and any other relevant terms.

Legal References: G.S. 115C-47

Cross References: Purchase of Services (policy 6450), Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Facility Design (policy 9020), Supervision of Construction Contracts (policy 9130), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

Adopted: March 6, 2000
Updated: March 1, 2010

A. ONLINE INSTRUCTION GENERALLY

The board recognizes that online instruction is a valuable tool for affording students extended educational options. The board will provide opportunities for students to participate in online instruction to the extent that it is academically and financially prudent.

School counselors shall advise students on North Carolina Virtual Public School courses and other online courses available for credit. Enrollment in an online for credit course will count toward satisfying board requirements related to minimum instructional days, seat time policies, student attendance, and athletic and/or extracurricular obligations.

A student, with the principal's prior approval, may enroll in an online course with assistance from the school e-learning advisor. The principal shall designate a school counselor at the school to serve as the e-learning advisor, who will be responsible for coordinating the enrollment of students in online courses, monitoring students' progress in those courses, and supervising any required testing. In addition, the principal shall ensure that the e-learning advisor implements a plan for supporting credit recovery students throughout the semester.

The superintendent shall develop regulations consistent with State Board of Education requirements and this policy for students enrolling in online instruction.

B. REMOTE LEARNING

When warranted by exigent circumstances and approved by the superintendent, ~~where authorized by law~~, schools may temporarily transition to remote instruction if permitted by law ~~conduct classes remotely for all or part of a school year~~. Board policies remain in effect during periods of remote learning, except that the board reserves the right to deviate from any policy when adherence is impossible or impractical under the circumstances and the deviation is not inconsistent with law. To the extent practicable or when required by law, affected employees, students, and parents or guardians will be notified of the change in advance.

Legal References: G.S. 115C-238.85; State Board of Education Policy CCRE-001

Cross References: Dual Enrollment (policy 3101)

Adopted: December 3, 2012
Updated: December 9, 2013
Updated: July 6, 2020
Updated: December 7, 2020
Updated: June 7, 2021

A. PRINCIPLES

Principals, assistant principals, teachers, and other instructional staff at each school are responsible for designing and implementing strategies to reach the educational goals of the board. Input from the school community, including parents, students, and representatives from businesses and other agencies, is critical in developing an educational program that will meet the needs of the students and the community.

The board affirms the General Assembly's belief that all children can learn and that the mission of public schools is to challenge, with high expectations, each child to learn, achieve, and fulfill his or her potential.

Accordingly, the board has established in its policies its vision, standards, and means of accountability for the educational program. The superintendent shall provide guidance and establish any other standards necessary for effective implementation of the board's policies. Principals shall lead each school in implementing the policies. The school improvement plan is one tool that school administrators should use to draw upon the creativity and innovation of the staff and the community. This plan~~, in its two parts,~~ should identify the school's efforts to improve student performance and reach the educational goals of the board.

B. DEVELOPMENT OF ~~PART ONE OF~~ THE SCHOOL IMPROVEMENT PLAN~~: STATE PROGRAM FOR SCHOOLS BASED MANAGEMENT AND ACCOUNTABILITY~~

~~The board endorses the principles set forth by the State Board of Education that all children need to master basic skills and knowledge and build upon this foundation for lifelong learning. Therefore, i~~Each school must develop a school improvement plan that considers the goals set out in the mission statement for the public schools adopted by the State Board of Education ("State Board") and the annual performance goals for that school as established by the State Board under G.S. § 115C-105.35. In developing their school improvement plans, all schools should ensure, to the extent possible, that sufficient resources and curricula are directed toward meeting the goal of having all students performing at grade level or higher in the basic subject and skill areas identified by the State Board.

The board also expects schools to be guided by the educational goals of the board. The board encourages schools to consider innovative means of educating students to meet educational goals. Many board policies provide an opportunity for a school to incorporate innovative ideas into its school improvement plan; however, if a school would like to try an innovative method that requires deviation from board policy, the school may submit a request to the board for a waiver of the board policy. (See also policy 2400, Board Policies.) Any waiver request must identify the particular board policy that inhibits the school's ability to improve student performance, set out with specificity the circumstances

under which the waiver may be used, and explain how the requested waiver will permit the school to improve student performance. The board will consider such requests to the extent the waiver is permissible by law and likely to result in improved student performance at the school.

1. School Improvement Team

Each school must have a school improvement team that develops the school improvement plan. The school improvement team must follow all legal requirements for developing and obtaining school approval of the school improvement plan. School improvement teams also must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.

The school improvement team will consist of the principal, representatives of the assistant principals, instructional personnel, instructional support personnel and teacher assistants assigned to the school building, and parents of students attending the school. Each group of school personnel shall elect representatives from their respective group by secret ballot. Parents are to be elected in accordance with G.S. 115C-105.27(a). The school improvement team is encouraged to involve and seek assistance from central office personnel. The school improvement team, especially at the middle and high schools, also is encouraged to seek input from students. The superintendent shall provide guidance to principals to ensure that the principals establish and work together with school improvement teams to develop, review, and amend school improvement plans.

~~The school improvement team shall follow all legal requirements in developing and obtaining school approval of the school improvement plan.~~ School improvement team meetings will be held at a convenient time to facilitate substantial parent participation. The principal shall ensure that the school improvement team, as a public body, complies with the Open Meetings Law in regard to its meetings. Deliberations on the school safety components of the plan must be in closed session in accordance with G.S. 143-318.11(a)(8).

2. Mandatory Components of the ~~State~~ Plan

A school improvement plan must include the following components.

a. The plan must specify the effective instructional practices and methods to be used to improve the academic performance of students identified as at risk of academic failure or at risk of dropping out of school.

b. The plan must take into consideration the minimum annual performance goal established by the State Board and the goals set out in the mission statement for public schools adopted by the State Board ~~of Education~~.

c. The plan must be, to the greatest extent possible, data driven. The team shall use the Education Value Added Assessment System (EVAAS) or a compatible and comparable system approved by the State Board ~~of Education~~ to analyze student data to identify root causes for problems and determine actions to address them and to appropriately place students in courses such as Math I. The plan must contain clear, unambiguous targets, explicit indicators and actual measures, and expeditious time frames for meeting measurement standards.

d. The plan must identify how staff development funds allocated to the school will be used.

e. The plan must provide a duty-free lunch period for every teacher on a daily basis or as otherwise approved by the school improvement team.

f. The plan must provide duty-free instructional planning time for every full-time assigned classroom teacher, with the goal of providing an average of at least five hours of planning time per week.

g. The plan must attempt to identify and eliminate unnecessary and redundant reporting requirements for teachers and, to the extent practicable, streamline the school's reporting system and procedures, including requiring forms and reports to be in electronic form when possible and incorporating relevant documents into the student accessible components of the Instructional Improvement System.

h. As part of the school system's efforts to maintain safe and orderly schools, the plan must address safety and discipline concerns. These concerns include any special conditions at the school. The plan should include the components of any positive behavior management or positive behavior support programs that have been adopted at the school and should comply with the requirements of policy 1510/4200/7270, School Safety, and all protocols established by the superintendent or designee under that policy.

~~i. For schools identified by the Department of Public Instruction as Focus or Priority schools, the plan must identify the interventions the school will implement to address students' academic needs. Such interventions must include strategies to address the needs of all children, particularly the lowest-achieving, and how those needs will be met in a timely and effective manner. If the school is identified as a Focus school as a result of not meeting participation rates in the state assessment program, the plan must include interventions to improve participation.~~

j. In accordance with policy 1310/4002, Parental Involvement, the plan must identify the goals and strategies for parents to be involved in their child's education and in the educational program of the school.

k. The plan must include a process by which the school improvement team will review the school improvement plan at least once a year. The annual review process must include (1) a review of student scores on all state- and board-mandated tests and (2) a means for the school improvement team to modify the plan, if necessary, when the school has not met the expected growth score established by the state.

l. The plan must require the principal to notify the superintendent if the school improvement team modifies a board-accepted school improvement plan.

m. The plan must include strategies for meeting the educational objectives of the board (policy 3000, Goals and Objectives of the Educational Program).

n. The plan must include intervention strategies for students who are not at grade-level proficiency or who are not likely to meet standards of promotion measured by other means (policy 3420, Student Promotion and Accountability).

3. Optional Components of the ~~State~~ Plan

~~Part One of t~~The school improvement plan may include any or all of the following components.

a. The plan may include a request to transfer state funds from one allotment category to another, as permitted by state law. The request must identify the funding allotment categories involved in the transfer and identify how the transfer will facilitate improving student performance.

b. The plan may include a comprehensive conflict resolution plan, as provided in G.S. 115C-81.15, in order to help create a safe school.

c. The plan may provide for the use of textbooks that have not been adopted by the State Board (see policy 3200, Selection of Instructional Materials).

d. The plan may include innovative efforts to meet local educational goals. The following are examples of innovative efforts identified in board policies that the plan may address:

i. modifying the school calendar (see policy 3300, School Calendar and Time for Learning);

ii. implementing alternative scheduling of classes or other strategies

intended to reduce transitional time and limit interference from non-instructional activities (policy 3300);

iii. adding hours of instructional time (policy 3300);

iv. providing additional means for evaluating instructional programs (policy 3140, Evaluation of Instructional Programs);

v. developing and implementing pilot programs (policy 3110, Innovation in Curriculum and Instruction);

vi. expanding the subject areas or objectives of the curriculum (policy 3100, Curriculum Development);

vii. eliminating curricula on subject areas or objectives that are not state-required (policy 3100); and

viii. modifying the system-wide instructional and curriculum guides (see policy 3115, Curriculum and Instructional Guides).

4. Development and Review of the Plan

School improvement teams should review student performance data from the preceding school year in developing the school improvement plan. Based on the availability of data and when specific school standards are established by the State Board, the superintendent shall establish the date by which school improvement plans must be submitted.

The principal first shall present the proposed school improvement plan to all of the assistant principals, instructional personnel, instructional support personnel, and teacher assistants assigned to the school building for their review and vote by secret ballot. The principal then shall submit the school improvement plan to the superintendent only if the proposed school improvement plan has the approval of a majority of the staff who voted on the plan.

The superintendent or designee shall review the plans and seek legal review as necessary prior to presenting the plans with written recommendations to the board. If the superintendent intends to recommend that a plan be rejected, the superintendent shall notify the principal of the school and explain the reasons for the decision. The school improvement team may then submit a modified plan, approved by staff vote, to the superintendent. The superintendent should submit all school improvement plans to the board at the earliest possible date.

The board will review the school improvement plans. The review of the school safety components of the plans must be in closed session. The board shall make findings on the safety components of the plan. Neither the safety components of

the plans nor the board's findings on the safety components of the plans may be set out in the minutes of the board.

After review of the school improvement plans, the board will accept or reject each school improvement plan. If a plan is rejected, the board will explain the specific reason(s) for the rejection.

Any plan modified by the school improvement team after being rejected by the board must be resubmitted to the school personnel for vote and, upon majority approval, resubmitted to the superintendent for review. The superintendent shall resubmit the modified plan to the board with his or her recommendations as soon as is practical. The board will review the modifications along with any recommendations from the superintendent and accept or reject the plan.

If the board and the school improvement team cannot reach agreement on the plan within 60 days after its initial submission, the board or school may request to use the dispute resolution process developed by the State Board under G.S. 115C-105.20(b)(5). Alternatively, if use of the dispute resolution process is not requested, the board may develop a school improvement plan for the school.

A school improvement plan may be in effect for no more than two years. The plan must be reviewed at least annually by the school improvement team in accordance with the review process established in the school's plan. If a school does not earn an overall performance grade of at least a C or does not meet its expected growth standard as established by the State Board ~~or if more than 25% of the students performed below grade level~~, the principal must submit to the superintendent and the board a report of the school improvement team. The report must explain the reasons for the standard(s) not being met and describe any modifications that will be made in the school improvement plan. After considering any recommendations of the superintendent, if the board is not satisfied with the response of the school improvement team, the board may suggest modifications to the plan or may vacate those portions of the plan that impede student performance and require the school improvement team to revise the plan.

5. Elimination of Redundant or Unnecessary Reporting Requirements

If, at any time before or after the board approves the school improvement plan, the school improvement team identifies a more expeditious manner of providing information to the board that will eliminate a redundant or unnecessary reporting requirement for teachers at its school, the team may make a written request to the superintendent to eliminate the redundant or unnecessary report. The superintendent shall recommend to the board whether the reporting requirement should be eliminated for that school. If the superintendent does not recommend elimination of the reporting requirement, the school improvement team may request a hearing by the board as provided in policy 2500, Hearings Before the Board.

6. Compliance with Requirements

Any employee, parent, or other interested party is encouraged to notify the principal of any concerns regarding compliance with this policy or G.S. 115C-105.27. In addition, any employee, parent, or other interested party may submit in writing to the superintendent concerns regarding compliance with this policy or G.S. 115C-105.27. The superintendent shall make a good faith effort to investigate the concern and shall provide a written response upon request.

~~C. PART TWO OF THE SCHOOL IMPROVEMENT PLAN: LOCAL EDUCATION REFORM INITIATIVES~~

~~In addition to the basics emphasized in the state testing program, the board expects schools to be guided by the educational goals of the board. The board encourages theschools to consider innovative means of educating students to meet these educational goals. The board has established a vision, standards, and means of accountability in its educational policies to provide guidance to the schools. Many of these policies provide an opportunity for schools to develop innovative plans as a part of their school improvement plan. Part Two of the school improvement plan should reflect the school's efforts to meet the educational goals of the board.~~

~~1. Mandatory Components of the Local Plan~~

~~Part Two of the school improvement plan must include the following:~~

~~a. strategies for meeting the educational objectives of the board (policy 3000, Goals and Objectives of the Educational Program); and~~

~~b. intervention strategies for students who are not at grade level proficiency or who are not likely to meet standards of promotion measured by other means (policy 3420, Student Promotion and Accountability).~~

~~2. Optional Components of the Local Plan~~

~~The board strongly encourages school employees to be innovative in their efforts to meet local educational goals. Although not limited to these options, the board has encouraged innovation specifically through its policies on the following issues:~~

~~a. modifying the school calendar (see policy 3300, School Calendar and Time for Learning);~~

~~b. implementing alternative scheduling of classes or other strategies intended to reduce transitional time and limit interference from non-instructional activities (policy 3300);~~

~~c. adding hours of instructional time (policy 3300);~~

~~d. providing additional means for evaluating instructional programs (policy 3140, Evaluation of Instructional Programs);~~

~~e. developing and implementing pilot programs (policy 3110, Innovation in Curriculum and Instruction);~~

~~f. expanding the subject areas or objectives of the curriculum (policy 3100, Curriculum Development); and~~

~~g. eliminating curricula on subject areas or objectives that are not staterequired (policy 3100)~~

~~A school also may submit a request to the board for a waiver of board policies. Any waiver request must identify the particular board policy that inhibits the school's ability to improve student performance, set out with specificity the circumstances under which the waiver may be used, and explain how the requested waiver will permit the school to improve student performance.~~

~~3. Process~~

~~Part Two of the plan should be submitted at the same time as Part One of the plan. However, a school improvement team may submit a request to the superintendent for an additional month to complete Part Two of the plan. The superintendent may approve the request if the school is working in good faith to complete the plan.~~

~~The board will act on the plan at the first meeting in which it is presented, unless further time for review is necessary. The board may accept the plan, with or without modifications, or reject the plan and provide an explanation of deficiencies of the plan. If modifications are required for board approval, the board may either make the modifications or request that the school improvement team make the modifications and resubmit the plan.~~

~~If a school improvement team is not satisfied with any modifications made by the board, it may submit to the board alternative modifications for consideration. Until the board acts on the school improvement team's alternative modifications, the modifications made by the board will be in effect.~~

~~Part Two of the plan may be in effect for no more than two years. The board encourages the school to evaluate the plan continually. At any time during the two-year period, a school improvement team may submit an expanded or modified school improvement plan for board consideration. Furthermore, at any time during the two-year period, the superintendent and the board may review the plan and the board may take any actions provided in this subsection.~~

C. POSTING THE SCHOOL IMPROVEMENT PLAN ONLINE

The school improvement plan, except for its school safety components which are not public record, must be posted on the school's website. The names and positions of the members of the school improvement team, along with the date of each member's election to the team, must also be posted on the website.

D. STAFF DEVELOPMENT

The superintendent shall develop a process by which schools can learn from other schools' improvement plans. The superintendent and the schools are encouraged to use staff development resources to provide training to staff on the development, implementation, and evaluation of school improvement plans.

School administrators must be evaluated by their supervisors on the school-based management process ~~as required by board policy and state law~~ and on the effectiveness of the school improvement plan.

Legal References: G.S. 115C-47(38), -81.15, -83.15, -84.2, -98, -105.20, -105.21, -105.25, -105.26, -105.27, -105.32, -105.35, -105.37, -105.41(b), -301.1, -307(g); 143 art. 33C

Cross References: Parental Involvement (policy 1310/4002), School Safety (policy 1510/4200/7270), Compliance with the Open Meetings Law (policy 2320), Board Policies (policy 2400), Hearings Before the Board (policy 2500), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Innovation in Curriculum and Instruction (policy 3110), Curriculum and Instructional Guides (policy 3115), Lesson Planning (policy 3120), Evaluation of Instructional Programs (policy 3140), Selection of Instructional Materials (policy 3200), School Calendar and Time for Learning (policy 3300), Students at Risk of Academic Failure (policy 3405), Student Promotion and Accountability (policy 3420)

Other Resources: *North Carolina School Improvement Planning Implementation Guide, Version 2.3 – July 2016*, N.C. State Board of Education/Department of Public Instruction, available at https://www.dpi.nc.gov/media/4632/download

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IMMUNIZATION AND HEALTH REQUIREMENTS FOR SCHOOL ADMISSION

Policy Code: **4110**

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization and health assessments. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records may be inspected by officials of the county or state health departments in accordance with state and federal law. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

A. IMMUNIZATION

1. Requirements for Initial Entry

   Within 30 calendar days of his or her first day of attendance in the school system, each student must show evidence of age-appropriate vaccination in accordance with state law and regulation, including the following vaccines as applicable:

   a. DTaP (diphtheria, tetanus, and pertussis);

   b. poliomyelitis (polio);

   c. measles (rubeola);

   d. rubella (German measles);

   e. mumps;

   f. Haemophilus influenzae, type b (Hib);

   g. hepatitis B;

   h. varicella (chickenpox); ~~and~~

   i. pneumococcal conjugate (only for children entering school before age 5); and

   j. any other vaccine as may be required by law or regulation.

   The current required vaccination schedule is available from the N.C. Immunization Branch online at http://www.immunize.nc.gov/.

2. Additional Requirements

a. All students entering seventh grade or who have reached age 12, whichever comes first, are required to receive the following:

i. booster dose of Tdap (tetanus, diphtheria, and pertussis vaccine), if they have not previously received it; and

ii. the meningococcal conjugate vaccine (MCV).

b. All students entering the twelfth grade or who have reached age 17 are required to receive a booster dose of MCV.

3. Certificate of Immunization

a. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b).

b. Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more than 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.

c. Exceptions to the immunization requirements will be made only for religious reasons or for medical reasons approved by a physician pursuant to state law and regulation.

B. HEALTH ASSESSMENT/VISION SCREENING

Within 30 calendar days of the first day of school entry, ~~all kindergarten students and, beginning with the 2016-17 school year,~~ all students entering public schools for the first time, regardless of grade level, must furnish to the principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to G.S. 130A-440. A student who fails to meet this requirement will not be permitted to attend school until the required health assessment form has been presented. Such absences will not be considered suspensions, and the student will be given an opportunity to make up work missed during the absence as described below. The principal or designee shall, at the time of enrollment, notify the parent, guardian, or person standing *in loco parentis* that the completed health assessment form is needed on or before the child's first day of attendance. The date the student's health assessment form is received will be recorded in the student's official record, and the form will be maintained on file in the school.

The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirement will be made only for religious reasons.

Vision screening must comply with the vision screening standards adopted by the former Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12 months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist or a vision screener certified by Prevent Blindness North Carolina.

Children who receive and fail to pass the required vision screening must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school solely for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification of a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams.

Upon request, the teacher(s) of a student subject to an absence from school for failure to provide the health assessment form required by this section shall provide to the student all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignments. The principal or designee shall arrange for the student to take home textbooks and school-furnished digital devices for the duration of the absence and shall permit the student to take any quarterly, semester, or grading period examinations missed during the absence period.

C. HOMELESS STUDENTS

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner.

D. FOSTER CHILDREN

Notwithstanding the provisions of this policy, admissions for students in foster care will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The enrolling school will immediately contact the school last attended by the foster child to obtain any relevant documentation.

E. CHILDREN OF MILITARY FAMILIES

The board acknowledges that immunization requirements for newly enrolling military children are governed by the Interstate Compact on Educational Opportunity for Military Children. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment or within such time as reasonably determined by the rules of the Interstate Commission to obtain any required immunization. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the Interstate Commission.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 115C-390.2(l), -407.5; 130A-152 to -157, -440 to -443; 10A N.C.A.C. 41A .0401

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125), Attendance (policy 4400)

Other Resources: N.C. Immunization Branch, available at http://www.immunize.nc.gov/

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The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE). When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and ~~the Department of Health and Human Services, Division of Child Development and Early Education~~ DCDEE.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

The superintendent shall develop any necessary procedures for making a report or otherwise implementing this policy.

A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual contact with a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer who has cause to suspect that a child in a child

care facility has been maltreated by a caregiver or has died as a result of maltreatment occurring in a child care facility is legally required to report the case to ~~the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (~~DCDEE~~)~~.

A "child care facility" includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child's care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In addition to the other reporting requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.

E. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

F. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for

reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS

In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003, the school system will provide information on child abuse and neglect, including age-appropriate information on sexual abuse, to students in grades 6 through 12. Such information will be provided in the form of (1) a document given to all students in grades 6 through 12 at the beginning of each school year and (2) a display posted in visible, high-traffic areas throughout each secondary school.

~~The superintendent shall develop any necessary procedures for making a report pursuant to this policy, for sharing information with designated agencies, and for cooperating with agency investigations.~~

~~In addition to the requirements of this policy, any administrator who knows or has reason to believe that a licensed employee has engaged in conduct that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction in accordance with subsection C.4 of policy 4040/7310, Staff-Student Relations.~~

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-47(65), -270.35(b), -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C .0373; State Board of Education Policy SHLT-003

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700)

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Updated: June 7, 2021

The board is committed to the safety of students, school employees, and other persons on school property. In order to create and maintain a safe school environment and to comply with G.S. 14-208.18, the board establishes the following policy provisions.

A. STUDENT SEX OFFENDER ON SCHOOL PROPERTY

A student who is enrolled in the school system and is a registered sex offender subject to policy 5022, Registered Sex Offenders, is expressly prohibited from (1) knowingly being present on any ~~property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, buses and other property~~, school grounds or any property owned or operated by the school system where minors frequently congregate and (2) attending school-sponsored or school-related activities, except to the extent the student is permitted to be on school property to receive educational services.

~~A student subject to policy 5022, Registered Sex Offenders, who is receiving educational services on school grounds must comply with the requirement that he or she be supervised by school personnel at all times.~~

B. EDUCATIONAL SERVICES FOR STUDENT SEX OFFENDERS

1. If permitted by the board, a student who is subject to Section A of this policy and is eligible to attend public school under G.S. 115C-378 may be present on school property subject to any conditions and restrictions imposed by the board.

2. The board will hold a hearing to determine whether to expel the student or provide the student with educational services in accordance with subsection B.4.b of policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion.

3. Prior to expelling a student pursuant to G.S. 115C-390.11(a)(2), the board will consider whether there are alternative education services that may be offered to the student.

4. If the board determines that a student will be provided with educational services on school property, the student must be supervised by school personnel at all times.

5. If a student subject to this policy violates the conditions and restrictions placed on the student by the board, school officials will impose disciplinary consequences consistent with the terms of the conditions and restrictions placed on the student's admission or as otherwise provided in Section D of policy 4300, Student Behavior Policies, and any applicable provisions of the Code of Student Conduct.

6. If a student subject to this policy is a student with disabilities, he or she will be provided with educational services in compliance with federal and state law.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 14-208.18, -208.19; 115C art. 9; 115C-378, -390.2, -390.11(a)(2)

Cross References: School Safety (policy 1510/4200/7270), Alternative Learning Programs/Schools (policy 3470/4305), Student Behavior Policies (policy 4300), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Registered Sex Offenders (policy 5022)

Adopted: January 12, 2009
Updated: September 14, 2011

The following rules will govern the use of seclusion and restraint by school personnel. As used in this regulation, "school personnel" means employees of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the school system to provide educational or related services to students or (2) for another agency providing educational or related services to students.

Seclusion and restraint will not be used on students with disabilities (1) for behavior(s) that would not result in seclusion or restraint for students without identified disabilities, unless the use is authorized by the student's IEP or Section 504 Plan for an educational or safety-related purpose, or (2) based on assumptions or stereotypes about disabilities or students with disabilities generally.

A. PHYSICAL RESTRAINT

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

2. as reasonably needed to maintain order or to prevent or break up a fight;

3. as reasonably needed for self-defense;

4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;

5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;

6. as reasonably needed to escort a student safely from one area to another;

7. if used as provided for in an IEP, Section 504 plan, or behavior intervention plan; or

8. as reasonably needed to prevent imminent destruction to school or another person's property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered

a reasonable use of force when used solely as a disciplinary consequence.

Prone restraint is a form of physical restraint in which a person is held in a face-down position on the floor or other surface. Prone restraint does not include placement in a face-down position as part of a necessary medical intervention. The use of prone restraint is prohibited.

B. MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504 plan, or behavior intervention plan, or as otherwise prescribed by a medical or related service provider;

2. when using seat belts or other safety restraints to secure a student during transportation;

3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

4. as reasonably needed for self-defense; or

5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

C. SECLUSION

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving by locking hardware or other means or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;

2. as reasonably needed to maintain order or prevent or break up a fight;

3. as reasonably needed for self-defense;

4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or

5. when used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and

    a. the student is monitored by an adult in close proximity who is able to see and hear the student at all times while the student is in seclusion;

    b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion, or as otherwise specified in the student's IEP, Section 504 plan, or behavior intervention plan;

    c. the confining space has been approved for such use by the ~~local education agency~~ school system;

    d. the space is appropriately lighted, ventilated, and heated or cooled; and

    e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

D. ISOLATION

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

1. the isolation space is appropriately lighted, ventilated, and heated or cooled;

2. the duration of the isolation is reasonable in light of the purpose for the isolation;

3. the student is reasonably monitored while in isolation; and

4. the isolation space is free from objects that unreasonably expose the student or others to harm.

E. TIME-OUT

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

F. AVERSIVE PROCEDURES

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be expected to cause one or more of the following:

1. significant physical harm, such as tissue damage, physical illness, or death;

2. serious and foreseeable long-term psychological impairment; or

3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:

    a. electric shock applied to the body;

    b. extremely loud auditory stimuli;

    c. forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin;

    d. placement in a tub of cold water or shower;

    e. slapping, pinching, hitting, or pulling hair;

    f. blindfolding or other forms of visual blocking;

    g. unreasonable withholding of meals;

    h. eating one's own vomit; or

    i. denial of reasonable access to toileting facilities.

The use of aversive procedures is prohibited.

G. NOTICE, REPORTING, AND DOCUMENTATION

1. School personnel shall promptly notify the principal or designee of any of the following:

    a. any use of aversive procedures;

b. any prohibited use of mechanical restraint;

c. any use of physical restraint resulting in observable physical injury to a student;

d. any prohibited use of seclusion; or

e. any seclusion exceeding 10 minutes or the amount of time specified in a student's behavior intervention plan.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the ~~events~~ incidents listed in subsection G.1, above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident. Such notice shall be provided by the end of the workday during which the incident occurred when reasonably possible, but no later than the end of the following workday. Such notice also shall be provided in addition to the written incident report required in subsection G.3, below.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after any ~~incident involving the use of physical restraint, mechanical restraint, seclusion, isolation, or aversive procedures~~ incident listed in subsection G.1 of this regulation occurs, the principal or designee shall provide the parent or guardian with a written incident report. This report must include the following:

a. the date, time of day, location, duration, and description of the incident and interventions;

b. the events or events that led up to the incident;

c. the nature and extent of any injury to the student; and

d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described in subsection G.3, above, and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

   Any employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure will not be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privileges of employment unless the employee knew or should have known that the report was false.

Adopted: October 2, 2006
Updated: May 9, 2009
Updated: October 5, 2009
Updated: June 5, 2017

USE OF UNMANNED AIRCRAFT (DRONES)

Policy Code: **4334/5035/7345**

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

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

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. An "unmanned aircraft" or "drone" is an aircraft weighing less than 55 pounds that is operated without the possibility of direct human intervention from within or on the aircraft. The board strictly prohibits the use of an unmanned aircraft weighing more than 55 pounds on school property or at a school-sponsored event.

2. The "use" of an unmanned aircraft includes the launch, operation, and/or recovery of the unmanned aircraft.

3. "School property" includes any property that is owned, leased, or otherwise controlled by the board.

4. Use of an unmanned aircraft is for a "recreational" purpose if the use is solely for personal interests or enjoyment. Use for work or business purposes or for compensation or hire is not considered to be recreational.

B. AUTHORIZED USE OF UNMANNED AIRCRAFT

The use of an unmanned aircraft on school property or at a school-sponsored event for any purpose must be approved in writing by the superintendent or designee and must comply with the requirements of this policy and all other applicable board policies, including the public use requirements of policy 5030, Community Use of Facilities, when applicable. Such use also must comply with all federal, state, and local laws and regulations, including the most current registration, certification, permit, safety, and other requirements established by the Federal Aviation Administration (FAA) and the North Carolina Department of Transportation (NCDOT).

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

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

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

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

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

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

2. Use by a Recreational Flyer

   A recreational flyer may operate an unmanned aircraft strictly for recreational purposes as approved by the superintendent or designee. A recreational flyer is not required to be an FAA-certified drone pilot or under the direct supervision of an FAA-certified drone pilot. However, a recreational flyer must comply with all federal, state, and local laws and regulations, including all applicable federal requirements under the *Exception for Limited Recreational Operations of Unmanned Aircraft* (49 U.S.C. 44809).

C. UNAUTHORIZED USE OF UNMANNED AIRCRAFT

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

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

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

D. GUIDELINES FOR ALL USE OF UNMANNED AIRCRAFT

1. FAA Safety Guidelines

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

a. The unmanned aircraft must be registered with the FAA and marked with the registration number.

b. No later than September 16, 2023, the unmanned aircraft must be equipped with remote identification unless flying within an FAA-recognized identification area.

c. The unmanned aircraft must have a maximum groundspeed of 100 mph or less.

d. The operator ~~must fly the unmanned aircraft during daylight only~~ and must keep the unmanned aircraft within his or her visual line of sight at all times.

e. The operator must not fly the unmanned aircraft above 400 feet in uncontrolled airspace and must not fly the unmanned aircraft in controlled airspace (e.g., near airports) without FAA authorization. The operator must comply with all other FAA airspace restrictions (e.g., near military bases).

f. The operator must not fly the unmanned aircraft near other aircraft and must always yield the right of way to all other aircraft, especially manned aircraft.

g. The operator must not fly the unmanned aircraft ~~over people, groups of people, public events, or stadiums full of people~~ near emergency response activities.

h. The operator must not fly the unmanned aircraft under the influence of drugs or alcohol. In addition, the operator must not fly the unmanned aircraft if he or she knows or has reason to know of any other physical or mental condition that would interfere with the safe operation of the unmanned aircraft.

i. The operator must not otherwise fly the unmanned aircraft in a careless or reckless manner.

2. Other Guidelines

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

a. The operator of any unmanned aircraft on school property or at a school-sponsored event must provide appropriate documentation of approval from the superintendent or designee immediately upon request by any school system employee.

b. Students are prohibited from operating an unmanned aircraft on school property or at a school-sponsored event without appropriate faculty or other adult supervision whether or not such supervision is required under federal regulations.

c. The superintendent or designee, as well as the principal or other school official responsible for supervising school property or a school-sponsored event, may require the operator of an unmanned aircraft to temporarily or permanently suspend further use of the unmanned aircraft on school property or at a school-sponsored event at any time for any reason.

d. The use of an unmanned aircraft to photograph or to record audio and/or video of the following is prohibited without the express written approval of

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

e. Unmanned aircraft may not be flown over people or moving vehicles without the express written approval of the superintendent. As a pre-condition of receiving approval, the operator must provide the superintendent information sufficient to determine that the flight will be conducted in compliance with applicable FAA regulations.

f. Any data or other information collected through the use of an unmanned aircraft may not be sold for profit.

g. The use of an unmanned aircraft inside any enclosed school or other building on school property (including any school or other building under construction) or indoors at a school-sponsored event off school property is prohibited without the express written approval of the superintendent or designee.

h. The use of unmanned aircraft within the physical confines of any stadium, field, arena, or other structure, including the playing area of the venue, during a North Carolina High School Athletic Association contest, including pre- and post-game activities, is prohibited.

i. Any incident resulting in an injury to a person or damage to property caused by the use of an unmanned aircraft must be reported immediately or as soon as practicable thereafter to the principal or other school official responsible for supervising the school property or school-sponsored event where the incident occurred. This requirement applies whether or not the incident is also subject to the mandatory reporting requirements under federal regulations.

j. Any unmanned aircraft owned by a school or the school system must be properly insured and must be scheduled (i.e., listed on the policy) and operated as required by the school system's liability coverage agreement.

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

Legal References: FAA Reauthorization Act of 2018, P.L. 115-254; 49 U.S.C. 44801 *et seq.*; 14 C.F.R. Part 89, Part 107; Federal Aviation Administration, Advisory Circular 91-57B (May 31,

2019), available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_91-57B.pdf; Federal Aviation Administration, Advisory Circular 107-2 (June 21, 2016), available at https://www.faa.gov/uas/resources/policy_library/media/AC_107-2_AFS-1_Signed.pdf; G.S. 14-7.45, -280.3, -401.24, -401.25; G.S. 15A-300.1, -300.2, -300.3; G.S. 63, art. 10; G.S. 113-295; North Carolina High School Athletic Association, Policy 2.2.3(c) (~~2019-2020~~2021-2022), available at https://www.nchsaa.org/handbook ~~https://www.nchsaa.org/sites/default/files/attachments/2.2.3%20Facilities.pdf~~

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

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

Adopted: December 2, 2019

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

Parents and legal guardians are responsible for ensuring that students attend and remain at school daily. School administrators shall communicate attendance expectations to parents and guardians and work with students and their families to overcome barriers to attendance.

A. ATTENDANCE RECORDS

School officials shall keep accurate records of attendance, including accurate attendance records in each class. Students will be considered in attendance if present at least half of the instructional day on-site in the school or at a place other than the school attending an authorized school-related activity.

To be in attendance during remote instruction days (with the exception of the initial enrollment day), students must: (1) complete their daily assignments, either online or offline; and/or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) for all other grade levels, each course teacher as scheduled. School officials shall communicate the attendance procedures to students and their families before the first day remote instruction begins.

B. LATE ARRIVALS AND EARLY DEPARTURES

Students are expected to be at school on time and to remain at school until dismissed. During the school day, students are expected to be present at the scheduled starting time for each class and to remain until the class ends.

When a student must be late to school or leave school early, a written excuse signed by a parent or guardian should be presented upon the student's arrival at school. Tardies or early departures may be excused for any of the reasons listed below in Section C.

Any disciplinary consequences for unexcused tardiness or unexcused early departures from school or class will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for such offenses. Consequences may not exceed a short-term suspension of two days.

C. EXCUSED ABSENCES

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

1. personal illness or injury that makes the student physically unable to attend school;

2. isolation ordered by the local health officer or the State Board of Health or isolation or quarantine that is a required state or local control measure;

3. death in the immediate family;

4. medical or dental appointment;

5. attendance at the proceedings of a court or administrative tribunal if the student is party to the action or under subpoena as a witness;

6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent or legal guardian;

7. participation in a valid educational opportunity, such as travel or service as a legislative or Governor's page, with prior approval from the principal;

8. pregnancy and related conditions or parenting, when medically necessary;~~or~~

9. a minimum of two days each academic year for visitation with the student's parent or legal guardian if the student is not identified as at risk of academic failure because of unexcused absences and the student's parent or legal guardian (a) is an active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting; or

10. any other reason as approved by the board in a board resolution.

D. SCHOOL-RELATED ACTIVITIES

While recognizing the importance of classroom learning, the board also acknowledges that out-of-classroom, school-related activities can provide students with valuable experiences not available in the classroom setting. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;

2. job shadows and other work-based learning opportunities, as described in G.S. 115C-47(34a);

3. school-initiated and -scheduled activities;

4. athletic events that require early dismissal from school; and

5. Career and Technical Education student organization activities approved in advance by the principal.

In addition, students participating in disciplinary techniques categorized as in-school suspension will not be counted as absent.

E. MAKEUP WORK

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

F. UNEXCUSED ABSENCES

The principal shall notify parents and take all other steps required by G.S. 115C-378 for excessive, unexcused absences.

Any school disciplinary consequences for unexcused absences will be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for such offenses. Consequences may not exceed a short-term suspension of two days.

G. CHRONIC ABSENTEEISM

Because class attendance and participation are critical elements of the educational process, any absences, whether excused or unexcused, can have a negative impact on a student's academic achievement. Regular attendance must be prioritized within each school and encouraged throughout the community. School administrators shall monitor and analyze attendance data to develop and implement strategies for reducing chronic absenteeism. Such strategies should involve engaging students and parents, recognizing good and improved attendance, providing early outreach to families of students missing school, and identifying and addressing barriers to attendance.

H. SPECIAL CIRCUMSTANCES

1. Students with Chronic Health Problems

   No penalties will be imposed for absences due to documented chronic health problems.

2. Students Experiencing Homelessness

   For students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness, such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

3. Attendance Requirements for Extracurricular Activities

   Absences may impact eligibility for participation in extracurricular activities. Principals shall inform students and parents of the applicable attendance standards for the various types of extracurricular activities, including interscholastic athletics. See also policy 3620, Extracurricular Activities and Student Organizations.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, .0103, .0106; State Board of Education Policies ATND-000, -003

Cross References: Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Homeless Students (policy 4125), Student Behavior Policies (policy 4300), Short-Term Suspension (policy 4351)

Other Resources: NC DPI Multi-Tiered System of Support Implementation Guide, available at https://www.livebinders.com/play/play/2052295?tabid=180c26e7-0236-1ff0-3f53-291910458e28#anchor

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Updated: June 7, 2021
Updated: January 10, 2022

The board encourages the community and parents to be involved in and support the schools and the educational program of the schools.

~~**Temporary Restrictions on Nonessential Visitors to School Facilities**~~

~~In order to secure the health and safety of school system students and employees during the COVID-19 pandemic and in accordance with the requirements of the North Carolina Department of Health and Human Services (DHHS), nonessential visitors will not be allowed access to school buildings before, during, or after the school day when school is in session.~~

~~This restriction will not apply to visitors or employees who need to access the school system central office in order to process paperwork, to attend meetings with school officials, or who want to attend a meeting of the board of education or other public meetings being held at the central office.~~

~~Parents and guardians will be allowed to enter the main entrance of a school facility and access the lobby and/or front office in order to sign a student in or out or to drop off items such as lunches, medication, or items that will be needed during the school day. To the greatest extent possible, parents and school employees are encouraged to arrange conference calls or use other electronic means to conduct conferences and meetings about a student's educational program. However, parents may have access to other locations within a school facility, as needed, to attend scheduled conferences and meetings related to their child's educational needs.~~

~~School employees will conduct symptom screening of any person entering a school building, as required by DHHS, including parents, students, and all other visitors.~~

~~These temporary restrictions shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.~~

A. OPPORTUNITIES TO VISIT THE SCHOOLS

To encourage involvement, the following opportunities are provided to visit the schools.

1. Visitors are welcome to observe and learn about the educational program at each school subject to reasonable rules developed by school administrators.

2. Visitors are encouraged to use school facilities made available to the public, such as media centers or meeting spaces, as provided in policy 5030, Community Use of Facilities.

3. Visitors are invited to attend school events that are open to the public, such as athletic events, musical programs, and dramatic productions.

B. REQUIREMENTS OF VISITORS TO THE SCHOOLS

While the school board welcomes visitors to the schools, the paramount concern of the board is to provide a safe and orderly learning environment in which disruptions to instructional time are kept to a minimum. The superintendent and each principal shall establish and enforce reasonable rules to address this concern.

1. All school visitors during the school day must report immediately to the administrative office at the school to request and receive permission to be in the school. Each principal shall ensure that signs are posted in the school to notify visitors of this requirement.

2. School visitors are expected to comply with all school rules and school board policies, including policy 5025, Prohibition of Drugs and Alcohol; policy 5026/7250, Smoking and Tobacco Products; and policy 5027/7275, Weapons and Explosives Prohibited.

3. Persons who are subject to policy 5022, Registered Sex Offenders, must comply with the provisions of that policy.

C. ADDITIONAL REQUIREMENTS OF PROBATION OFFICERS

To minimize disruption to student learning and school operations, the board establishes the following additional requirements for visits by probation officers during the school day:

1. Probation officers may not visit students on school property during school hours unless the visit is conducted through the Section of Community Corrections' School Partnership Program.

2. Visits by probation officers must be authorized in advance by the school principal or designee or be the result of a request for assistance by a school counselor or school resource officer. The principal or designee at each school shall coordinate with probation officers to plan and schedule visits to occur at times least disruptive to the student's academic schedule and to school operations.

3. To protect the privacy of students, the principal or designee shall designate a private area for probation officers to meet with students away from contact with the general student population. Initial contact with the student will be made by a designated school employee, who shall direct the student to the private area to meet with the probation officer.

4. Probation officers may not initiate direct contact with any student while the student is in class or between classes.

5. All visits must be conducted in accordance with this policy and any additional guidelines developed by the superintendent or designee.

D. UNAUTHORIZED, DISRUPTIVE, OR DANGEROUS VISITORS

If a school employee becomes aware that an individual is on a school property without having received permission or that an individual is exhibiting unusual, threatening, or dangerous behavior, the employee must either direct the individual to the administrative office or notify the principal, designee, or school resource officer, depending on the circumstances.

If a school employee suspects that an individual is on school property in violation of policy 5022, Registered Sex Offenders, the employee must immediately notify the principal, designee, or school resource officer.

Students will be instructed to notify a school employee of any unusual or suspicious behavior by visitors. School employees shall inform the principal or designee immediately of a student's report of suspicious behavior on the part of a school visitor.

When an individual disrupts the educational environment, acts in a disorderly manner, damages school property, or violates board policy or the law, the principal or designee has authority to:

1. order the individual to leave school property;

2. notify law enforcement; or

3. take any other action deemed appropriate under the circumstances.

Failure to comply with a request to leave school grounds may result in the filing of trespass charges or other charges as appropriate against the offending individual.

The superintendent, upon recommendation from the principal, may deny an individual permission to come onto school grounds or enter a school facility for up to one school year if the individual is guilty of disruptive or dangerous behavior on school grounds.

Legal References: G.S. 14-132, -132.2, -159.11, -159.12, -159.13, -208.18; 115C-46.2, -523, -524, -526

Cross References: Registered Sex Offenders (policy 5022), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Community Use of Facilities (policy 5030)

Adopted: April 10, 2000
Updated: January 12, 2009
Updated: November 8, 2011

Updated: January 14, 2013
Updated: December 3, 2018
Updated: December 7, 2020
Updated: June 7, 2021

Students and the educational program must be the focus of the school system. In order to maintain an educational environment conducive to learning and to minimize intrusions upon instructional time, advertising for and promotion of commercial products and services are discouraged during the instructional day. School officials shall screen and approve the distribution and display of advertising materials and messages publicized through school media or displayed on school property and at school events.

A. APPLICABILITY OF POLICY

This policy is intended to govern requests to advertise products, ~~or~~ services, programs, or activities on school ~~grounds~~ property, at school events, or through school publications and other ~~electronic~~ media by:

1. individuals;

2. non-profit organizations not otherwise permitted to distribute or display materials or messages by policy 5210, Distribution and Display of Non-School Material; and

3. for-profit organizations and businesses.

B. PROHIBITED ADVERTISEMENT ~~AND PROMOTIONAL ACTIVITIES~~ MESSAGES

The board of education prohibits advertising~~, commercial or promotional messages, and other items and materials~~ that (1) ~~are~~ is vulgar, indecent, or obscene; (2) contains libelous statements, personal attacks, or abusive language, such as language defaming a person's character, race, religion, ethnic origin, sex (including pregnancy, childbirth, sexual orientation, and gender identity), family status, or disability; (3) causes or clearly threatens to cause a material and substantial disruption of a school activity; (4) encourages the commission of unlawful acts or the violation of lawful school rules or regulations; (5) ~~are~~ is inappropriate considering the age of the students in the school; (6) includes information that is inaccurate, misleading, or false; or (7) ~~advertise~~ is for any product or service not permitted to minors by law.

C. SCHOOL FORUMS

Although permitting some advertising within the school system, the board does not intend to create a public forum or to open school facilities, including its electronic media, print publications, or school facilities, for unlimited access by outsiders and advertising by the general public.

D. REGULATIONS GOVERNING ADVERTISING IN THE SCHOOLS

The superintendent shall develop regulations governing advertising in the schools subject to Section B above and in accordance with the following guidelines.

~~1. Advertising is permitted in school publications such as yearbooks, school newspapers, newsletters, and event programs. School officials may permit the publication of commercial advertisements for a reasonable fee or an in-kind contribution that advertises or promotes an outside organization's products, programs or services.~~

1. School officials may allow for ~~sell, for a reasonable fee or an in-kind contribution,~~ commercial advertisement space on stadium, athletic, ~~and/~~or gymnasium billboards, banners, or signage or in school publications, such as yearbooks, school newspapers, newsletters, and event programs. Such space may be sold, for a reasonable fee or an in-kind contribution, to ~~for advertisements or promotions of an~~ outside organization~~s's~~ or individuals for the purpose of advertising their products, services, programs, or activities.

2. School officials may permit boards, displays, or banners that acknowledge donations to or sponsors of a school or the school system.

3. School officials shall prohibit advertising through the school system employee and student e-mail system and the school system website.

4. Advertising in school publications~~,~~ or other ~~in~~ school media, in school facilities, and on school property will be limited to an advertiser's (a) name; ~~brand name and/or trade name~~ (b) logo; (c) location or place of business and contact information; (d) slogans that identify the advertiser but do not promote it; and (e) products, services, programs, or ~~services~~ activities in a value-neutral description.

5. School officials have discretion to determine whether to use commercially sponsored materials or materials containing commercial advertising in school instructional programs and activities.

~~7. Collection of student data for marketing purposes is governed by Section B of policy 4720, Surveys of Students.~~

6. School officials may accept donations of equipment and supplies that contain advertising messages. However, such donations must comply with the requirements of policy 8220, Gifts and Bequests.

E. PROTECTION OF STUDENT PRIVACY

Collection of student data by the school system for marketing purposes is governed by Section C of policy 4720, Surveys of Students.

~~Neither the school system nor the school administrators at any school will~~ No school

system employees shall require students to provide marketing information to vendors either through the provision of personal information or through marketing surveys. In addition, neither the school system nor any school system employee ~~administrator~~ will enter into any contract for products or services, including electronic media services, in which students are asked to reveal personal information for collection by the providers of such services for marketing purposes. For the purposes of this ~~s~~Section, personal information includes, but is not limited to, the student's name, telephone number, e-mail address, and home address.

F. PROCESS TO REQUEST TO ADVERTISE

Any entity or individual interested in advertising ~~or promoting~~ products, ~~and~~ services, programs, or activities pursuant to this policy ~~or~~ and school system regulations must submit a request to the principal (for advertising specific to an individual school) or to the superintendent's designee (for system-wide advertising). The principal or superintendent's designee shall decide whether to ~~may~~ approve the advertising request ~~that complies with board policies and regulations~~ and respond within 30 working days.

If the principal or superintendent's designee denies an advertising request ~~for approval to advertise a product or service~~, the entity or individual seeking to advertise has five days to appeal the decision to ~~may submit a request for~~ the superintendent ~~to review the decision made by the principal or the superintendent's designee within five working days~~. The superintendent shall ~~review the request and~~ make a decision within 10 working days of receiving the appeal ~~request for review~~. As needed, the superintendent shall consult with the board attorney concerning a request to advertise.

Any request denied by the superintendent may be appealed to the board ~~of education~~ if the right to an appeal is mandated by G.S. 115C-45(c). A decision as to whether an appeal is mandated by G.S. 115C-45(c) will be made in consultation with the board attorney. If an appeal is not mandated by G.S. 115C-45(c), the board, in its sole discretion, may decide whether ~~or not~~ to review the superintendent's decision.

Legal References: G.S. 115C-36, -45(c), -98

Cross References: Surveys of Students (policy 4720), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: March 13, 2006
Updated: February 2, 2009

All schools will participate in federal National Child Nutrition Programs and will receive commodities donated by the United States Department of Agriculture. All federal and state revenues will be accepted and applied to maximize the use of such funds for the purposes of providing nutritional meals to students at the lowest possible price. The superintendent or designee shall develop procedures as necessary to implement the operational standards established in this policy.

A. OPERATIONAL STANDARDS

The school nutrition services program will be operated in a manner consistent with board goals and board policy. The program also will be operated in compliance with all applicable state and federal law, including requirements of the National School Lunch Program and all federal guidelines established by the Child Nutrition Division of the United States Department of Agriculture. Specific legal requirements that must be met include, but are not limited to, the following.

1. School officials may not discriminate based on race, sex, color, national origin, disability, age, or eligibility status for free and reduced price meals. School officials are also prohibited from retaliating against an individual for prior civil rights activity.

2. The school nutrition services program will meet safety and sanitation requirements established in local, state, and federal rules and guidelines for school nutrition services programs.

3. The school nutrition services program will have a written food safety program that includes a hazard analysis critical control point plan for each school.

4. Menu preparation, purchasing, and related record keeping will be consistent with applicable state and federal rules and guidelines.

5. Banking, financial record keeping, budgeting, and accounting will be conducted in accordance with generally accepted practices and procedures, as dictated by the School Budget and Fiscal Control Act and in accordance with state and federal guidelines.

6. Commodity foods donated by the United States Department of Agriculture will be used and accounted for in accordance with federal regulations.

7. Preference will be given in purchasing contracts to high-calcium foods and beverages, as defined in G.S. 115C-264.1 and to foods grown or raised within North Carolina.

8. Child Nutrition Program (CNP) funds will be used only for the purposes authorized by law. Indirect costs, as defined by law, will not be assessed to the CNP unless the program has an ~~minimum of one month's~~ operating balance of at least two months.

9. The price for meals will be determined in accordance with federal law.

10. Nonprogram foods will be priced to generate sufficient revenues to cover the cost of those items. A nonprogram food is defined as a food or beverage, other than a reimbursable meal or snack that is sold at the school and is purchased using funds from the child nutrition account.

11. All school nutrition services will be operated on a non-profit basis for the benefit of the CNP. School nutrition services are those that are operated from 12:01 a.m. until the end of the last lunch period.

12. All income from the sale of food and beverages that is required by law or regulation to be retained by the CNP will be deposited to the CNP account and will be used only for the purposes of the school's non-profit lunch and breakfast programs. All funds from food and beverage sales not otherwise required by law to be deposited to the CNP account will be deposited into the proper school account in accordance with guidelines developed by the superintendent or designee.

13. All competitive foods sold on school campuses will meet federal and state standards for nutrient content.

14. All employees whose job duties include procurement activities involving ~~for the~~ Child Nutrition Program funds shall adhere to the conflict of interest rules and standards for ethical conduct established by the board in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration. Failure to comply with these requirements will result in disciplinary action.

B. MEAL CHARGES

Students who are required to pay for meals are expected to provide payment in a timely manner. The board recognizes, however, that students occasionally may forget or lose their meal money. In the event that a student is unable to pay for a meal on a particular day, the student may charge a reimbursable meal. A student carrying a negative balance of $25.00 in a meal account will not be permitted to accrue additional charges until the negative balance drops below $10.00. Instead the student will be served a designated alternate meal provided at no cost to the student. Appropriate modifications to the alternative meal will be made when required by the student's documented special dietary needs. To safeguard the dignity and confidentiality of students in the serving line, reasonable efforts must be used whenever possible to avoid calling attention to a student's inability to pay.

The child nutrition director and principal shall work jointly to prevent meal charges from

accumulating and shall make every effort to collect all funds due to the child nutrition program on a regular basis and before the end of the school term. Notices of low or negative balances in a child's meal account will be sent to parents and the principal at regular intervals during the school year. If a parent regularly fails to provide meal money and does not qualify for free meal benefits, the child nutrition director shall inform the principal, who shall determine the next course of action, which may include notifying the department of social services of suspected child neglect and/or taking legal steps to recover the unpaid meal charges. Parents are expected to pay all meal charges in full by the last day of each school year. Negative balances on student accounts will be carried forward to the following school year. However, the superintendent shall ensure that federal child nutrition funds are not used to offset the cost of unpaid meals and that the CNP is reimbursed for bad debt resulting from uncollected student meal charges prior to September 30 each year.

This policy and any applicable procedures regarding meal charges must be communicated to school administrators, school food service professional, parents, and students. Parents will receive a written copy of the meal charges policy and any applicable procedures at the start of each school year and at any time their child transfers into a new school during the school year.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq.*; National School Lunch Act, 42 U.S.C. 1751 *et seq.*, 2 C.F.R. pt. 200; 7 C.F.R. pt. 210; 7 C.F.R. pt. 215; 7 C.F.R. pt. 220; United States Department of Agriculture Policy Memos SP 46-2016, 47-2016, and 23-2017, available at https://childnutrition.ncpublicschools.gov/regulations-policies/usda-policy-memos; G.S. 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; 147 art. 6E, art. 6G; 16 N.C.A.C. 6H .0104

Cross References: Parental Involvement (policy 1310/4002), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230), Goals of the Purchasing Function (policy 6400), Ethics and the Purchasing Function (policy 6401/9100), Federal Grant Administration (policy 8305)

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: January 14, 2013
Updated: December 9, 2013
Updated: December 8, 2014
Updated: June 6, 2016
Updated: June 4, 2018
Updated: December 3, 2018
Updated: June 7, 2021

Safety is of paramount concern in providing student transportation services. The board recognizes that providing safe transportation requires the cooperation of students, parents, volunteers, personnel, and other governmental agencies. The superintendent or designee and all principals shall make reasonable efforts to inform affected individuals or entities about safety issues and monitor compliance with legal requirements and this policy.

Temporary Requirements for Student Transportation Services

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, ~~school officials will enforce the Centers for Disease Control and Prevention (CDC) Order requiring the wearing of face coverings in school transportation vehicles. In addition,~~ the school system will implement the transportation strategies that the North Carolina Department of Health and Human Services (DHHS) advises be implemented by all schools to lower the risk of COVID-19 exposure and spread. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement strategies recommended by DHHS. These temporary rules shall remain in effect until repealed by the board or until the applicable guidance from ~~the CDC or~~ DHHS is rescinded, whichever occurs first.

A. STUDENT BEHAVIOR

A safe and orderly environment is critical whenever transporting students. The Code of Student Conduct and board policies on student behavior apply as provided in policy 4300, Student Behavior Policies. All students will receive training on school bus safety as required by law regardless of whether they regularly ride a school bus to and from school.

B. TRANSPORTATION SAFETY ASSISTANTS AND BUS MONITORS

Upon recommendation of a building principal and the superintendent, the board may employ transportation safety assistants to assist bus drivers with the safety, movement, management, and care of students. In addition, the superintendent or designee may appoint a volunteer monitor to assist a bus driver with maintaining order and student safety for any bus assigned to a school. As necessary, the superintendent or designee shall designate in administrative guidelines the responsibilities of school bus transportation safety assistants and bus monitors in accordance with state law.

C. MAINTENANCE

The superintendent or designee and principals shall fulfill all duties prescribed by state law and regulations for maintaining, inspecting, and repairing school buses and other vehicles used to transport students.

D. SAFETY PRACTICES ON SCHOOL BUSES AND ACTIVITY BUSES

In addition to any rules established by the superintendent or designee for the safe operation of the student transportation services, the board expects school employees to observe the following practices.

1. All school bus drivers must utilize the North Carolina crossing signals to communicate to students when it is safe to cross the street to board the bus and when it is safe to cross the street after exiting the bus.

2. The number of students transported on any school bus, activity bus, commercial bus, or contracted vehicle will not exceed the official rated capacity for the specific vehicle being used.

3. All riders must be seated while the vehicle is in motion.

4. No person will be permitted to stand or sit in the aisle or stepwell when the vehicle is in motion.

5. All school bus drivers are expected to use good judgment in determining whether it is safe to operate a school vehicle and to permit students to enter or leave the bus at particular locations.

6. Bus drivers must report immediately any suspected mechanical defects or other unsafe conditions, including road or traffic conditions that affect the safeness of the bus route or bus stops.

E. TRAINING

It is the responsibility of the superintendent or designee to see that:

1. students and bus drivers receive training as required by law, including training on the use of the North Carolina crossing signal;

2. students taking trips on activity buses or commercial buses receive safety instruction as needed, including, but not limited to, instruction on and demonstration of emergency exit operation for the vehicle on which they are riding for any specific trip; and

3. records of student training are made as required by the State Board of Education.

F. ACCIDENT REPORTING

The driver of any school bus or other school vehicle must report immediately to the superintendent or designee any accident involving death, injury, or property damage.

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; 16 N.C.A.C. 6B .0111; *Preventive Maintenance and Vehicle Replacement Manual* (*NC Bus Fleet Manual*), State Board of Education Policy TRAN-005, available at www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf; State Board of Education Policy TRAN-011; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf

Cross References: Student Behavior Policies (policy 4300), Authority of School Personnel (policy 4301), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315)

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: December 7, 2015
Updated: December 2, 2019
Updated: December 7, 2020
Updated: June 7, 2021
Updated: January 10, 2022

When personal property becomes unnecessary and undesirable for public school purposes, the school system will sell or dispose of the property in order to provide additional revenue for educational purposes, in accordance with the requirements of Article IX, Section 7 of the North Carolina Constitution, G.S. 115C-518, and G.S. 160A, art.~~icle~~ 12. Equipment and supplies acquired under a federal award will be disposed of in accordance with the terms and conditions of the federal award, all applicable requirements of federal law and regulation, and the provisions of this policy not inconsistent with such requirements.

Contracts for the sale or disposal of surplus property must be consistent with G.S. 147, art. 6E and 6G. Before any property may be sold or disposed of, it must be removed from the appropriate fixed asset inventory.

The superintendent or designee shall ensure that any confidential, proprietary, or other identifying information is removed from surplus property prior to disposition. In addition, the disposal of any equipment or other property through waste management services must be done in a manner consistent with environmental or other relevant rules and regulations.

A. PROPERTY WORTH LESS THAN $30,000

Pursuant to G.S. 160A-266(c), the board permits the superintendent or designee to dispose of personal property worth less than $500.00 for a single item or group of similar items; to set the property's fair market value; and to convey title to the property for the board of education. Prior to disposition, the superintendent or designee must make a finding that the property is no longer necessary or desirable for school use.

For property worth $501.00 or more but less than ~~to~~ $30,000, the superintendent or designee shall determine and recommend to the board of education whether or not items or groups of similar items are unnecessary or undesirable for school purposes. The recommendation must include the description of the items or the groups of items and a recommended method of sale or disposition.

Property covered by this section may be disposed of through a public or private exchange or sale. ~~Pursuant to G.S. 160A-270(c), the board delegates to the superintendent or designee the authority to conduct electronic auctions of surplus property.~~ The superintendent or designee shall choose or recommend any method of disposal that is designed to obtain a fair market value for the property in the most efficient and economical manner possible and is in the best interest of the school system, as determined by the superintendent or designee. For all public sales, the superintendent or designee must publish notice at least 10 days in advance. The notice must identify the property to be sold and set out the date, time, place, and terms of the sale. Notice must be published in a newspaper having general circulation and/or by electronic means.

The superintendent shall provide a semiannual report to the board detailing such

transactions. The report must include: (1) a general description of the property sold or exchanged; (2) the name of the person(s) to whom the property was sold or with whom it was exchanged; and (3) the amount of money or other consideration received for each sale or exchange.

B. PROPERTY WORTH $30,000 OR MORE

Property worth at least $30,000 will be disposed of pursuant to the requirements of G.S. 160A, art.~~icle~~ 12, G.S. 115C-518, and Article IX, Section 7 of the North Carolina Constitution.

Legal References: 2 C.F.R. 200.313-200.314; N.C. Const. art. IX, § 7; G.S. 115C-518; 147 art. 6E, art. 6G; 160A, art. 12; *Boney v. Board of Trustees*, 229 N.C. 136 (1948)

Cross References: Fixed Assets Inventory (policy 8350)

Adopted: March 13, 2006
Updated: July 1, 2009
Updated: June 6, 2016
Updated: December 4, 2017
Updated: December 3, 2018

The board of education believes that it is important for employees to have leave available to attend to personal, civic, and professional matters as well as to meet family commitments. This need for leave is to be balanced with the need to provide an effective instructional program for students. No employee may be discharged, demoted, or otherwise subjected to adverse employment action for taking leave in accordance with board policies and administrative procedures.

All requests for leave, with or without pay, must be addressed in accordance with state and federal law, as well as policies promulgated by the State Board of Education, including those specified in the most current edition of the *North Carolina Public Schools Benefits and Employment Policy Manual*, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy.

In addition to applicable laws and regulations, this board policy applies to leave requests. The information in this policy is intended to supplement, not replace, the requirements of law and the State Board of Education. In the event that changes to State or federal law or regulation conflict with current State Board or local board policies, the board intends that its leave practices be modified to the extent necessary to comply with current law until such time as conforming changes to State Board and/or local board policy are made.

The superintendent shall develop any necessary administrative procedures and make them available to employees upon request.

Temporary Requirement Related to COVID-19

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, employees who test positive for COVID-19 or~~,~~have COVID-19 symptoms~~, or have a COVID-19 exposure,~~ shall not return to work until they meet the criteria set forth in the most recent guidance from the North Carolina Department of Health and Human Services. This temporary requirement shall remain in effect for as long as the state guidance remains in effect.

A. MINIMUM LEAVE TIME

An employee may take any type of leave in increments of hours unless otherwise specified in this policy.

B. CONTINUOUS LEAVE OF MORE THAN 10 DAYS

An employee must comply with the notice and verification requirements provided in policy 7520, Family and Medical Leave, for any continuous leave of more than 10 days if: (1) the leave also is eligible for leave under the Family and Medical Leave Act (FMLA), defined in policy 7520, and (2) the leave is designated as FMLA-eligible at the time it is taken or as soon as is feasible thereafter. See policy 7520, Family and Medical Leave.

C. SICK LEAVE

The superintendent or designee may require a statement from a medical doctor or other acceptable proof that the employee was unable to work due to illness or injury. Employees who anticipate using sick leave should inform their immediate supervisor in advance so that arrangements may be made to reassign the employee's duties during the period of absence.

D. PERSONAL LEAVE

Personal leave must be used in half or whole day units. Personal leave may be used only upon the authorization of the teacher's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

E. VACATION LEAVE

Vacation may be taken only upon the authorization of the employee's immediate supervisor and in accordance with legal requirements and procedures established by the superintendent.

To promote the efficient operation of the schools, the superintendent may designate certain periods during the nonacademic year as preferred vacation periods for 12-month employees.

F. COMPENSATORY LEAVE

Because professional employees are expected to fulfill all job duties, compensatory leave should apply only in extraordinary circumstances.

Employees who are not exempt from the provisions of the Fair Labor Standards Act may accrue compensatory time (comp time) as described in policy 7500, Workday and Overtime. Supervisors shall arrange for employees to take comp time within one pay period following the time it is earned, if possible; however, the superintendent or designee may exempt certain employees or categories of employees from this requirement when deemed necessary for the proper administration of the school system.

An employee must obtain approval from his or her immediate supervisor before taking compensatory leave.

G. LEAVE TO TEACH AT A CHARTER, REGIONAL, OR LAB SCHOOL

Leave of absence to teach for one year at a charter, regional, or lab school will be granted to a teacher upon timely written request to the board. The request must be provided at least 45 days before the teacher would otherwise have to report for duty if it is the initial year of the charter/regional/lab school's operation and at least 90 days if it is after the charter/regional/lab school's initial year of operation. The teacher may return to work in

the school system in accordance with the provisions of applicable state law.

H. DISCRETIONARY LEAVE OF ABSENCE WITHOUT PAY

An employee, who wishes to take leave that is not eligible for any other specific type of leave, may be granted a leave of absence without pay for a period of up to one calendar year at the discretion of the superintendent with approval from the board.

The employee is expected first to consult with his or her immediate supervisor and then to provide advance written notice (60 days if possible) stating the beginning and ending dates of the desired leave of absence. The superintendent may request documentation from the employee in support of his or her request. In determining the length of the leave of absence without pay that will be approved, due and proper consideration must be given to the welfare of the students as well as the employee. The superintendent may require the employee to give notice of his or her intent to return to work at reasonable time intervals during the leave.

Once a leave of absence without pay has been requested by an employee and approved by the board, the dates are binding unless both parties agree to a change.

I. OTHER LEAVE

Other types of leave, such as leave for observance of a bona fide religious holiday, professional leave, community responsibility leave, leave for jury duty or court attendance, elected officials leave, parental involvement in schools leave, parental leave without pay, and military leave (see policy 7530, Military Leave), will be granted in accordance with the requirements of law and State Board of Education policy.

Legal References: G.S. 95-28.3; 115C-12, -36, -47, -84.2, -218.90(a)(3), -238.68(3), -285, -302.1, -316, -336, -336.1; 116-239.10(4); 16 N.C.A.C. 6C .0405; State Board of Education Policy BENF-001, *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Workday and Overtime (policy 7500), Compliance with State Board of Education Employment Policies (policy 7505), Family and Medical Leave (policy 7520), Military Leave (policy 7530), Voluntary Shared Leave (policy 7540), Absences Due to Inclement Weather (policy 7550)

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All eligible employees will be provided leave as required by the federal Family and Medical Leave Act of 1993 (FMLA), as amended, and applicable state laws and State Board of Education policies. The FMLA allows eligible employees to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks (or 26 workweeks in certain cases) in any 12-month period for certain qualifying conditions or events. The employee may continue to participate in the school system's group insurance plan while on FMLA leave.

This policy is intended for guidance only and is not intended to alter or expand the school system's responsibilities beyond the requirements of law. If any provision of this policy is inconsistent with federal law or regulation, the federal rule must take precedence. The superintendent is authorized to develop additional regulations for FMLA leave consistent with the requirements of the law and this policy. Employees can find more information about FMLA leave in the *North Carolina Public Schools Benefits and Employment Policy Manual*.

The board strictly prohibits interfering with, restraining, or denying the ability of any employee to exercise any right provided by the FMLA. The board also strictly prohibits any type of discrimination against or discharge of an employee who has filed a complaint in regard to the FMLA. A copy of this policy will be provided to each employee upon hiring.

A. DEFINITIONS

1. Serious Health Condition

   A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from participating in school or other daily activities.

2. Continuing Treatment

   Subject to certain conditions, the continuing treatment requirement in the above definition of "serious health condition" may be met by a period of incapacity of more than three consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment or incapacity due to pregnancy or a chronic condition. Other conditions may meet the definition of continuing treatment.

3. Other Terms

   Unless otherwise noted, all terms in this policy must be defined in accordance with 29 C.F.R. pt. 825.

B. ELIGIBILITY

Generally, employees are eligible for unpaid FMLA leave if they have:

1. been employed by the school system for at least 12 months (not necessarily consecutively); and

2. worked at least 1,250 hours during the previous 12 months.

Further information about these requirements can be found in the Code of Federal Regulations at 29 C.F.R. 825.110.

C. QUALIFYING CONDITIONS

Except in cases of leave to care for a covered servicemember with a serious illness or injury, an eligible employee is entitled to a total of 12 workweeks of FMLA leave during any 12-month period for any one or more of the following reasons:

1. the birth and first-year care of the employee's child;

2. adoption or foster placement of a child with the employee;

3. a serious health condition of the employee or the employee's spouse, child, or parent;

4. a qualifying exigency (see Section F) arising out of the fact that the spouse or a son, daughter, or parent of the employee has been deployed, or is on notice of an impending deployment to a foreign country as a member of the regular Armed Forces on active duty or as a member of the Reserve components of the Armed Forces under a federal call or order to active duty in support of a contingency operation; or

5. to care for a covered servicemember with a serious illness or injury ("covered servicemember" and "serious injury or illness" are defined in federal regulation 29 C.F.R. 825.127). An employee who is a spouse, son, daughter, parent, or next of kin of the servicemember may take leave for a period of up to 26 workweeks under this provision.

D. DETERMINING THE 12-MONTH LEAVE PERIOD

The 12-month period during which an employee is eligible for FMLA leave will be from July 1 to June 30, except that the period for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later.

E. ENTITLEMENT TO LEAVE

Eligible employees may take leave as follows:

1. **Medical leave for serious health conditions**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule as is medically necessary.

2. **Family leave for pregnancy, birth of a child, or placement of a child for foster care or adoption**: A combined total of 12 consecutive workweeks during a 12-month period. Eligibility for FMLA leave expires 12 months from the birth, foster care placement, or adoption of the child. Leave must be used in a single block of time unless the board agrees to another arrangement.

3. **Military service exigency**: A combined total of 12 workweeks during a 12-month period. The leave may be taken intermittently or on a reduced leave schedule.

4. **Leave to care for injured servicemember**: A combined total of no more than 26 workweeks during a single 12-month period. The leave may be taken intermittently or on a reduced leave schedule. If combined with other types of FMLA leave, the total leave taken in a single 12-month period still may not exceed 26 weeks.

5. **Spouses employed by the school system**: Spouses who are both employed by the school system and eligible for FMLA leave are limited in the amount of family leave they may take for the birth and care of a newborn child, for the placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 weeks (or 26 weeks if leave to care for a covered servicemember with a serious injury or illness is also used).

F. QUALIFIED MILITARY SERVICE EXIGENCIES

A military service exigency that qualifies for FMLA leave must be defined in accordance with federal regulations. Qualified exigencies may include:

1. short-notice deployment;

2. military events and related activities;

3. school and childcare activities;

4. financial and legal arrangements;

5. counseling;

6. rest and recuperation leave;

7. post-deployment activities;

8. parental care; and

9. additional activities agreed upon by the board and employee.

G. INTERMITTENT OR REDUCED WORK SCHEDULE

1. An employee may take FMLA leave on an intermittent or reduced leave schedule as required for the health of the employee or family member, due to a qualifying exigency, or as otherwise approved by the superintendent. The employee must make a reasonable effort to schedule treatment so as not to disrupt unduly the operations of the school. Whenever possible, the employee should discuss scheduling with his or her immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.

2. An employee who requests intermittent or reduced leave time for medical treatment of a serious health condition may be required to give the reasons for the intermittent or reduced leave schedule and the schedule for treatment.

3. To better accommodate an employee's need for intermittent or reduced leave for a serious health condition, the school system may require an employee to take an alternative position during the period of leave. The alternative position must have equal pay and benefits, but it does not have to have equivalent duties.

4. Employees may take intermittent leave in increments of one hour.

5. Instructional personnel are subject to special rules for taking intermittent or reduced leave. (See Section H.)

H. INSTRUCTIONAL PERSONNEL

The following special rules apply to instructional personnel only. For the purposes of this policy, instructional personnel are teachers, athletic coaches, driving instructors, special education assistants, and any other employees whose principal function is to teach and instruct students.

1. Use of Intermittent or Reduced Schedule Leave

   a. Instructional employees may use intermittent or reduced schedule leave only when the employee and the school system have reached an agreement on how the leave will be used.

   b. If an instructional employee requests intermittent or reduced schedule leave for more than 20 percent of the workdays of the duration of a leave due to medical treatment, the school system may require the employee to take

continuous leave for up to the entire duration of the scheduled leave or to transfer to an alternative position with equivalent pay and benefits for the period of leave.

c. Instructional employees who take intermittent or reduced schedule leave that constitutes 20 percent or less of the workdays during the leave period are not subject to transfer to an alternative position.

2. Extension of FMLA Leave at School System Discretion

The school system may require instructional personnel to continue leave through the end of the school semester if any of the following conditions exist:

a. the leave will begin more than five weeks before the end of the term; the leave will last at least three weeks; and the employee would return to work in the last three weeks of the academic term;

b. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last five weeks of the term; the leave will last more than two weeks; and the employee would return to work during the last two weeks of the academic term; or

c. the leave is for a purpose other than the employee's own serious health condition or for a military exigency; the leave will begin in the last three weeks of the term; and the leave will last at least five days.

If the school system requires an instructional employee to take leave until the end of the academic term, only the period of leave until the employee is ready and able to return to work will be charged against the employee's FMLA entitlement.

I. EMPLOYEE'S RESPONSIBILITY WHEN REQUESTING LEAVE

To ensure that employees receive proper notification of their rights and responsibilities and that leave is properly designated, all employees requesting any type of leave must make the request to the assistant superintendent of human resources or designee.

1. Employee's Responsibilities When Leave is Foreseeable

a. The employee must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. If this amount of notice is not possible, then notice must be given as soon as practicable, taking into account all of the facts and circumstances.

b. The employee must provide sufficient information for the school system reasonably to determine (1) whether the FMLA may apply to the leave

request and (2) the anticipated timing and duration of the leave. This information would include, for example, notice that the employee is unable to perform job functions, notice that the family member is unable to perform daily activities, notice of the need for hospitalization or continuing treatment by a health care provider, or notice of circumstances supporting the need for military family leave.

c. If the employee does not provide 30 days' notice and there is no reasonable justification for the delay, the school system may delay the FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave.

d. If an instructional employee fails to give the required notice of foreseeable leave for an intermittent or reduced leave schedule, the school system may require the employee to take continuous leave for the duration of his or her treatment or may temporarily transfer the employee to an alternative position for which the employee is qualified and that has the same benefits. (See Section H.)

2. Employee's Responsibilities When Leave is Not Foreseeable

a. When leave is not foreseeable, the employee must comply with the usual school system procedures for notifying his or her supervisor of the absence and requesting leave, including any applicable requirements established by policy 7510, Leave. If the employee fails to do so, the leave may be delayed or denied.

b. When giving notice of an absence, the employee must inform the supervisor if the requested leave is for a reason for which FMLA leave was previously taken or certified.

c. The employee also must notify the assistant superintendent of human resources or designee of the need for FMLA leave as soon as practicable.

d. All employee responsibilities in the FMLA for notice, medical certification, fitness for duty certification, and notice of intent to return to work apply as specified in this policy and policy 7510.

J. SCHOOL SYSTEM'S DESIGNATION AND NOTICE TO EMPLOYEE

1. Whether or not the employee specifically requests FMLA leave, the assistant superintendent of human resources or designee is responsible for asking any questions of the employee necessary to make a determination of whether the leave is FMLA-eligible, unless the employee has already requested and received FMLA leave or certification for the same condition or event. The assistant superintendent may require the employee to provide notice of the need and the reason for leave.

2. The assistant superintendent for human resources or designee shall provide all legally-required notices to the employee within five days of receiving this information or otherwise learning that an employee's leave may be for an FMLA-qualifying reason, unless there is a justifiable delay, such as a delay for documentation.

   The required notices must indicate whether the employee is eligible under the FMLA. If the employee is eligible, the notice must specify any additional information required from the employee and must explain the employee's rights and responsibilities under the FMLA. If the employee is not eligible, the notice must provide a reason for the ineligibility. The required notices also must state whether the leave will be designated as FMLA-protected and, if so, the amount of leave that will be counted against the employee's leave entitlement.

3. Leave may be designated as both FMLA-eligible and as leave under the school system's paid leave policy if paid leave has been substituted. Such leave would be counted toward the employee's 12-week FMLA entitlement. In addition, the assistant superintendent of human resources may designate an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualifying absence as part of the employee's total FMLA entitlement, whether or not the employee has requested FMLA leave. (See Section M.)

4. Leave that has been taken for an FMLA-qualifying reason may be retroactively designated as FMLA leave with appropriate notice to the employee, provided that such designation does not cause harm or injury to the employee.

K. CERTIFICATION

The school system reserves the right to require employees to provide certification of any FMLA-qualifying event or condition of the employee or the employee's spouse, child, parent, or next of kin, including certification for military exigency leave. The school system will not request more medical certification information than that allowed by the FMLA and the Americans with Disabilities Act. The assistant superintendent may request a second or third opinion at the school system's expense if reason to doubt the validity of a medical certification exists. The school system may require periodic recertification to support the leave, as permitted by law.

L. RETURN TO WORK

The school system may require an employee to periodically report on his or her status and intent to return to work. Any employee who is taking leave through the end of an academic semester must report on his or her intent to return to work no later than four weeks before the end of the academic semester. In addition, the school system may require the employee to report on his or her intent to return to work on a regular basis while on FMLA leave.

Before an employee returns to work from FMLA leave taken for the employee's own serious health condition, the employee must present a "fitness-for-duty" certification that states that the employee is able to return to work. This requirement does not apply to an employee taking intermittent leave unless the employee's condition presents a reasonable safety concern.

M. SUBSTITUTION OF PAID LEAVE

1. The school system will substitute appropriate paid leave, including sick leave, personal leave, and vacation time for unpaid, FMLA leave to the extent allowed by law and policy, giving proper notice to the employee that the leave is designated as FMLA. If an employee has exhausted his or her accrued paid leave but an FMLA-qualifying reason for absence continues, the school system will designate resulting absences as protected FMLA leave until the employee has used all allowable FMLA leave. Such absences will be unpaid.

2. When an employee has an absence (taken as paid or unpaid leave) that meets the criteria for an FMLA-qualified absence, the school system may, with proper notice to the employee, designate the absence as part of the employee's total annual FMLA entitlement. If the absence continues for more than 10 days, all employee responsibilities in the FMLA to provide notice for foreseeable and unforeseeable leave, medical certification, fitness for duty certification, and notice of intent to return to work apply as specified in this policy and policy 7510.

3. An employee must not be permitted to ~~exhaust~~ use paid leave before beginning FMLA leave if it has been determined that the employee's reason for using paid leave meets the FMLA eligibility requirements.

N. RESTORATION TO EQUIVALENT POSITION

1. Generally

   Employees, except "key" employees, will be restored to the same or an equivalent position upon return from FMLA leave.

   The equivalent position will have virtually identical pay, benefits, and working conditions, including privileges, perquisites, and status, as the position the employee held prior to the leave. The position also must involve substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority. All positions within the same job classification are considered "equivalent positions" for the purposes of this policy, so long as these conditions are met. For licensed employees, all positions with the same salary and licensure requirements also will be considered equivalent positions, so long as these conditions are met.

2. Key Employees

Key employees do not have the right to be restored to the same or an equivalent position upon their return from FMLA leave. Key employees are salaried FMLA-eligible employees who are among the highest paid 10 percent of all employees. If restoring a key employee would result in substantial and grievous economic injury to the school system, then the school system has no obligation to restore the employee to the same or an equivalent position.

An employee will be informed at the time leave is taken if he or she is considered a key employee and will be informed once a determination is made that the employee will not be restored to the same or an equivalent position upon return from FMLA leave. A key employee who has been informed that he or she will not be restored still has the right to health benefits for the full period in which he or she is eligible for FMLA leave.

O. CONTINUATION OF HEALTH BENEFITS

Health care coverage and benefits will be continued for the duration of an employee's FMLA leave on the same conditions as would have been provided if the employee had continued working. Employees do not have the right to the accrual of earned benefits during FMLA leave. If an employee takes intermittent or reduced leave, he or she has the right to maintain the same health care benefits, but earned benefits may be reduced in proportion to hours worked when such a reduction is normally based upon hours worked.

The school system may recover from the employee the cost of health insurance premiums paid on behalf of the employee while the employee was on unpaid FMLA leave if the employee does not return to work after the leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond his or her control.

P. POSTING REQUIREMENT

The superintendent or designee shall ensure that notices of FMLA provisions and information on procedures for filing complaints are posted in places that are readily accessible to employees and applicants.

Q. RECORDKEEPING REQUIREMENT

The human resources office shall maintain records of the following information for at least three years: basic payroll and identifying employee data, the dates (or hours) of FMLA leave taken by each employee, and premium payments of employee benefits. Medical information, such as that relating to medical certifications, also will be maintained in the human resources office in confidential medical records.

The assistant superintendent will maintain for at least three years copies of employee notices, including general and specific notices, any other documents describing employee

benefits or policies, and records of disputes between the school system and any employee regarding designation of FMLA leave.

R. ENFORCEMENT

An employee may file a complaint with the U.S. Department of Labor or bring a private lawsuit against the school system for violations of the FMLA.

FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

S. OUTSIDE EMPLOYMENT/FALSIFICATION OF RECORDS

The school system may deny FMLA benefits to an employee who engages in self-employment or employment for any employer while on continuous leave if the employee fraudulently obtained FMLA leave. Falsification of records and failure to correct records known to be false are violations of this policy and will result in discipline, which may include termination from employment.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*; Family and Medical Leave Act of 1993, as amended, 29 U.S.C. 2601 *et seq.*; 29 C.F.R. pt. 825; National Defense Authorization Act for 2008, Pub. L. 110-181 sec. 585; *North Carolina Public Schools Benefits and Employment Policy Manual*, N.C. Department of Public Instruction (current version)

Cross References: Leave (policy 7510)

Adopted: May 1, 2000
Updated: January 10, 2022

The purpose of voluntary shared leave is to enable employees and other authorized individuals to donate earned leave to a fellow employee or other authorized individual who has exhausted all earned leave and continues to be absent due to serious medical conditions.

Donations made pursuant to this policy are voluntary. No employee should feel pressured or coerced to participate. The donating employee may not receive compensation in any form for the donation of leave. Any employee found guilty of giving or receiving compensation may be subject to dismissal as outlined in applicable state law.

Administrative procedures in conformance with State Board of Education policies will be developed and made available in the human resources office.

Legal References: G.S. 115C-12.2, -47, -325 (applicable to career status teachers), -325.1 *et seq.* (applicable to non-career status teachers), -336; 16 N.C.A.C. 6C .0402; *North Carolina Public Schools Benefits and Employment Policy Manual* (N.C. Dept. of Public Instruction, current version), available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References:

Adopted: May 1, 2000
Updated: August 3, 2009
Updated: June 2, 2014
Updated: July 6, 2020

On a day that employees have the option to report for a workday but pupils are not required to attend school due to inclement weather, employees have the following options:

1. report to work;

2. take accumulated annual (vacation) leave;

3. take accumulated personal leave, if available (teachers only);

4. take leave without pay;

5. use compensatory leave already accumulated; or

6. make up the time missed (only with supervisor's approval). The employee and immediate supervisor must mutually agree upon a makeup time. Employees who are non-exempt under the Fair Labor Standards Act may make up missed time only if the time will be made up within the work week established by the board (see policy 7500, Workday and Overtime). Teachers and other employees who are classified as exempt under the Fair Labor Standards Act must make up the time within 120 days or before the end of their employment contract, whichever is sooner.

When the school system is closed to staff and students due to inclement weather, the board will consider options within the requirements of law for addressing the missed days, giving the greatest weight to how to best maintain the opportunity and environment for student learning.

Legal References: The Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 201 *et seq.*; G.S. 115C-84.2, -302.1, -316

Cross References: Emergency Closings (policy 5050), Workday and Overtime (policy 7500)

Adopted: May 1, 2000
Updated: July 6, 2020

The finance officer is authorized to make the following types of salary deductions in accordance with all applicable state and federal requirements:

1. federal income taxes (federal requirement);

2. state income taxes (state requirement);

3. federal social security taxes (state requirement);

4. North Carolina State Retirement System contributions (required by G.S. 135-8);

5. ~~court ordered~~ child support or other court-ordered payments;

6. federal, state, and local government garnishments;

~~7. health insurance premiums authorized by state law (authorized by G.S. 115C 340);~~

7. tax sheltered (deferred) annuities, 403(b) option offered by the board (authorized by G.S. 115C-341), and/or 403(b) option offered through the North Carolina Public School Teachers' and Professional Educators' Investment Plan (authorized by G.S. 115C-341.2);

8. Supplemental Retirement Income Plan of North Carolina, 401(k) (authorized by G.S. 135-93);

9. North Carolina 457 Plan (authorized by G.S. 143B-426.24);

10. flexible benefits plan (authorized by G.S. 115C-341.1);

11. North Carolina State Employees Credit Union deductions (authorized by G.S. 115C-342);

12. group ~~life~~ insurance premiums (authorized by G.S. 115C-340, -342);

~~13. group dental insurance premiums (authorized by G.S. 115C 340, -342);~~

13. a 12-month pay option for 10- and 11-month employees (authorized by G.S. 115C-302.1(b) and -316(a)(2));

14. dues or contributions to employees' associations that meet the minimum membership requirements as described in G.S. 143B-426.40A(g);

15. other deductions as may be required by law or approved by the board (additional possible deductions include dues for employees' associations not meeting the minimum membership requirements described in statute or donations to charities); and

16. ~~deductions to~~ recoupment of advancement or overpayment of wages.

The superintendent or designee shall make information available to all employees regarding possible payroll deductions and any procedures or requirements for particular types of deductions. Any employee who would like the board to consider additional salary deductions should contact the superintendent, who shall review such requests and make recommendations to the board.

Legal References: G.S. 115C-302.1(b), -316(a)(2), -339 to -342; 135-8, -93; 143B-426.24, -426.40A(g), (i)

Cross References:

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: December 5, 2011
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The board recognizes that an effective staff is critical to the smooth operation of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee's performance is a critical aspect of professional growth and assistance. Further, performance evaluation data is an important factor for consideration in decisions regarding continued employment. The superintendent must be able to substantiate any recommendation for continued employment with evaluation data, among other factors.

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation, including as applicable, the processes for evaluating licensed employees in schools designated as low performing. The principal, or an assistant principal in the limited circumstances authorized by law, shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The principal shall provide teachers' access to EVAAS data as required by law and shall notify teachers at least annually when the data is updated to reflect teacher performance from the previous school year. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with the processes established by the State Board in the North Carolina Educator Evaluation System for that class of personnel. Teachers with fewer than three consecutive years of experience will be evaluated annually in accordance with state law and the comprehensive evaluation cycle established in State Board Policy EVAL-004. For teachers with three or more years of experience, the abbreviated evaluation process established in State Board Policy EVAL-004 satisfies the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal observation. In addition, in any given year, the principal may elect to use the comprehensive or standard evaluation processes set forth in State Board Policy EVAL-004 or require additional formal or informal observations to evaluate a teacher with three or more years of experience. The principal also may supplement the State Board evaluation processes for other categories of licensed personnel by requiring additional observations or other evaluation measures. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.

2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.

3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board.

4. Peer observations of teachers with fewer than three consecutive years of experience must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.

5. Supervisors and principals should facilitate open communication with employees about performance expectations.

6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.

8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

9. Evaluation data ~~will~~ may be used in making employment decisions, including decisions related to contract renewal (see policy 7410, Teacher Contracts, policy 7425, School Administrator Contracts, and policy 7950, Non-Career Status Teachers: Nonrenewal), reassignments or transfers (see policy 7440, Assignments/Reassignments/Transfers), professional and staff development (see policy 1610/7800, Professional and Staff Development), ~~and~~ suspension, demotion, ~~and~~ or dismissal ~~of employees~~ (see policy 7930, Professional Employees: Demotion and Dismissal)~~, and policy 7940, Classified Personnel: Suspension and Dismissal),~~ and reduction in force (see policy 7920, Reduction in Force: Teachers and School Administrators). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

10. The superintendent and all evaluators are encouraged to develop ways to recognize distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board's directives and to meet state requirements.

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1, -333.2; State Board of Education Policies EVAL-004 through -006, EVAL-022, EVAL-025 through -031

Cross References: Professional and Staff Development (policy 1610/7800), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Assignments/Reassignments/Transfers (policy 7440), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Reduction in Force: Teachers and School Administrators (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930), ~~Classified Personnel: Suspension and Dismissal (policy 7940)~~ Non-Career Status Teachers: Nonrenewal (policy 7950)

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EVALUATION OF NON-LICENSED EMPLOYEES

Policy Code: **7815**

The board attaches a high priority to securing the most competent personnel available and, once they are employed, in assisting them in their growth and development throughout their careers. Evaluations of non-licensed employees' performance must conform to the following board directives.

1. Exemplary performance as well as deficiencies in performance should be clearly identified.

2. Supervisors and principals should facilitate open communication with employees about performance expectations.

3. An employee who is unclear about how performance is being assessed or desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

4. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

5. Evaluation data may be used in making employment decisions, including decisions related to promotions, reassignments, or transfers (see policy 7440, Assignments/Reassignments/Transfers), ~~promotions and~~ suspensions or dismissals ~~and demotion of employees~~ (see policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

6. The superintendent and all evaluators are encouraged to develop ways to recognize exemplary employees and to capitalize on the abilities of exemplary employees in helping other employees.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out these board directives.

Legal References: G.S. 115C-47(18), -333.1

Cross References: Assignments/Reassignments/Transfers (policy 7440), Personnel Files (policy 7820), Classified Personnel: Suspension and Dismissal (policy 7940)

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Updated: August 3, 2009
Updated: December 5, 2011

The board will solicit bids at least every three years from, and will designate as official depositories of the school system, one or more banks, savings and loan associations, or trust companies in North Carolina. The school system will comply with all legal requirements applicable to the deposit of funds into the school system's official depository(ies). No money will be deposited in any place other than an official depository, except as permitted by G.S. 115C-443(b), which exception relates only to certificates of deposits or such other forms of time deposits approved by the Local Government Commission.

Legal References: G.S. 115C-443, -444; 147-86.11, -86.12

Cross References:

Adopted: May 1, 2000

SALE, DISPOSAL, AND LEASE OF BOARD-OWNED REAL PROPERTY

Policy Code: **9400**

The board will consider the sale and disposal of board-owned real property, including land and buildings, as authorized by law. The board is guided in its decisions by its commitment to help students succeed by providing appropriate facilities and to use its resources in a fiscally and environmentally sound manner.

Any sale or disposal of real property, including school buildings, will be conducted in accordance with constitutional and statutory requirements. The superintendent should secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration, except as permitted by law. ~~that t~~The board will afford the board of county commissioners the first opportunity to obtain any real property at the fair market price or a price negotiated between the two boards.

The board may ~~When the board decides to~~ lease board-owned real property to another entity~~, the lease will be at the fair market value, except that the board may negotiate a lesser amount with another governmental unit~~ in accordance with constitutional and statutory requirements. The board will lease available board-owned buildings and land to charter schools when required by law.

All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: N.C. Const. art. IX, § 7; G.S. 115C-72, -218.35, -518, -521; 147 art. 6E, art. 6G; 160A art. 12; ~~147 art. 6E, art. 6G~~ *Boney v. Board of Trustees*, 229 N.C. 136 (1948)

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: May 1, 2000
Updated: March 3, 2010
Updated: December 7, 2015
Updated: June 6, 2016
Updated: November 7, 2016