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TO: Board of Education

FROM: Tracy Grit

DATE: December 6, 2021

SUBJ: Agenda Items – Policies for First Read

Attached you will find proposed Policy Codes for your consideration.

- Policy 1310/4002 – Parental Involvement
- Policy 1510/4200/7270 – School Safety
- Policy 2125/7315 – Confidential Information
- Policy 2302 – Remote Participation in Board Meetings
- Policy 3100 – Curriculum Development
- Policy 3225/4312/7320 – Technology Responsible Use
- Policy 3410 – Testing and Assessment Program
- Policy 3420 – Student Promotion and Accountability
- Policy 3460 – Graduation Requirements
- Policy 4050– Children of Military Families
- Policy 4120 – Domicile or Residence Requirements
- Policy 4150 – School Assignment
- Policy 4152– Unsafe School Choice Transfer
- Policy 4300 – Student Behavior Policies
- Policy 4316 – Student Dress Code
- Policy 4400 – Attendance
- Policy 4700 – Student Records
- Policy 4720– Surveys of Students-NEW
- Policy 5022 – Registered Sex Offenders
- Policy 5030 – Community Use of Facilities
- Policy 5210 – Distribution and Display of Non-School Material
- Policy 6305– Safety and Student Transportation Services
- Policy 6320 – Use of Student Transportation Services
- Policy 6340 – Transportation Service/Vehicle Contracts
- Policy 7100 – Recruitment and Selection of Personnel
- Policy 7130 – Licensure
- Policy 7262 – Communicable Diseases – Employees
- Policy 7340 – Employee Dress and Appearance

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- Policy 7510 – Leave
- Policy 7520 – Family and Medical Leave
- Policy 7530 – Military Leave
- Policy 7820 – Personnel Files
- Policy 8305 – Federal Grant Administration
- Policy 8310 – Annual Independent Audit
- Policy 9000 – Planning to Address Facility Needs

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the school system, and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

The board directs each principal or designee to develop a parental involvement plan as a part of the school improvement plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;

2. promotion of responsible parenting;

3. involvement of parents and guardians in student learning;

4. promotion of volunteering;

5. involvement of parents and guardians in school decisions that affect children and families;

6. parental training;

7. community collaboration; and

8. promotion of student health awareness.

This policy applies to the parents, legal guardians, and legal custodians of students who are under 18 years old and are not married.

A. PARENT COMMUNICATION AND CONFERENCES

The board encourages school personnel to have regular contact with parents for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communication with parents. Teachers are responsible for scheduling conferences with parents.

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with

policy 3405, Students at Risk of Academic Failure.

The principal or designee shall provide the parent of each student in kindergarten, first, or second grade with written notification of the student's reading progress. The notice will be provided three times a year, following each benchmark assessment and will include: (1) assessment results, (2) whether the child may not reach reading proficiency by the end of third grade, and (3) instructional support activities for use at home.

The board encourages the superintendent to work with local business leaders, including the local chambers of commerce, to encourage employers to adopt as part of their stated personnel policies time for employees who are parents or guardians to attend conferences with their child's teachers.

B. PARENTAL NOTIFICATION

Each principal or designee of a Title I school shall effectively notify parents of all parental rights and other required information regarding Title I schools and programs, in accordance with federal law. Parents of students in Title I schools shall receive a copy of the system-wide Title I parent and family engagement policy (policy 1320/3560) and the school-wide parent involvement plan.

In addition, annually every building principal or designee shall effectively notify parents of the following:

1. parental rights related to student records (see policy 4700, Student Records);

2. parental rights related to student surveys (see policy 4720, Surveys of Students);

3. the approximate dates of any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance, (b) administered and scheduled in advance by the school administration, and (c) not necessary to protect the immediate health and safety of students;

4. the schedule of pesticide use on school property and their right to request notification of nonscheduled pesticide use (see policy 9205, Pest Management);

5. student behavior policies, the Code of Student Conduct, and school standards and rules (see policies in the 4300 series);

6. the permissible use of seclusion and restraint in the schools (see regulation 4302-R, Rules for Use of Seclusion and Restraint in Schools);

7. policy 4329/7311, Bullying and Harassing Behavior Prohibited;

8. policy 1740/4010, Student and Parent Grievance Procedure;

9. the dates of the system-wide and state-mandated tests that students will be required to take during that school year, how the results from the tests will be used, and whether each test is required by the State Board of Education or by the local board;

10. grading practices that will be followed at the school and, for parents of high school students, the method of computing the grade point averages that will be used for determining class rank (see policies 3400, Evaluation of Student Progress, and 3450, Class Rankings);

11. available opportunities and the enrollment process for students to take advanced courses and information explaining the value of taking advanced courses;

12. if applicable, that their child will be provided advanced learning opportunities in mathematics or will be placed in an advanced mathematics course;

13. a clear and concise explanation of the North Carolina testing and accountability system that includes all information required by federal law;

14. a report containing information about the school system and each school, including, but not limited to:

    a. the following information both in the aggregate and disaggregated by category: student achievement, graduation rates, performance on other school quality and/or student success indicators, the progress of students toward meeting long-term goals established by the state, student performance on measures of school climate and safety, and, as available, the rate of enrollment in post-secondary education;

    b. the performance of the school system on academic assessments as compared to the state as a whole and the performance of each school on academic assessments as compared to the state and school system as a whole;

    c. the percentage and number of students who are:
        i. assessed,
        ii. assessed using alternate assessments,
        iii. involved in preschool and accelerated coursework programs, and
        iv. English learners achieving proficiency;

    d. the per pupil expenditures of federal, state, and local funds; and

    e. teacher qualifications.

15. the grade earned by the school on the most recent annual report card issued for it by the State Board of Education if the grade was a D or F;

16. supportive services available to students, including guidance, counseling, and

health services (see policy 3610, Counseling Program);

17. information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children;

18. for parents of students in grades 5 through 12, information about cervical cancer, cervical dysplasia, and human papillomavirus, including the causes and symptoms of these diseases, how they are transmitted, how they may be prevented by vaccination, including the benefits and possible side effects of vaccination, and places parents and guardians may obtain additional information and vaccinations for their children;

19. how to reach school officials in emergency situations during non-school hours;

20. information about and an application form for free and reduced price meals and/or free milk (see policy 6225, Free and Reduced Price Meal Services);

21. information about the school breakfast program;

22. information about the availability and location of free summer food service program meals for students when school is not in session;

23. for parents of children with disabilities, procedural safeguards (see also policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

24. information on the availability of the asbestos management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities;

25. education rights of homeless students (see policy 4125, Homeless Students);

26. the content and implementation of the local school wellness policy (see policy 6140, Student Wellness);

27. their right to take four hours of unpaid leave from their jobs every year in order to volunteer in their child's school as stated in G.S. 95-28.3 (see policy 5015, School Volunteers);

28. that the school system does not discriminate on the basis of race, color, national origin, sex, disability, or age, and that the school system provides processes for resolving discrimination and harassment complaints (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities);

29. that the school system provides equal access to its facilities, programs, and activities to the Boy Scouts and other designated youth groups (see policy 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law); and

30. the availability of and the process for requesting a waiver or reduction of student fees (see policy 4600, Student Fees).

C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

As a part of the annual notification described above, parents will be effectively notified that they may opt out of any of the following:

1. release of student directory information about their child for school purposes or to outside organizations (see policy 4700, Student Records);

2. release of their child's name, address, and telephone listing to military recruiters or institutions of higher education (see policy 4700, Student Records);

3. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

4. their child's participation in academic or career guidance or personal or social counseling services of a generic nature offered to groups of students (e.g., peer relations strategies offered to all sixth graders). However, parental notification and permission are not required for: (a) short-duration academic, career, personal, or social guidance and counseling and crisis intervention that is needed to maintain order, discipline, or a productive learning environment; (b) student-initiated individual or group counseling targeted at a student's specific concerns or needs; and (c) counseling if child abuse or neglect is suspected (see policies 3610, Counseling Program, and 4240/7312, Child Abuse and Related Threats to Child Safety);

5. their child's participation in non-Department of Education-funded surveys concerning protected topics (see policy 4720, Surveys of Students);

6. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

7. the collection, disclosure, or use of their child's personal information for marketing purposes (see policy 4720, Surveys of Students); and

8. release of their child's free and reduced-price meal information to State Medicaid or State children's health insurance program (SCHIP).

Any parent or legal guardian who wishes to opt out/withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent or legal guardian as to the manner in which student directory information is used, the curriculum is provided, or guidance programs are made available.

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

1. the administration of medications to students by employees of the school system (see policy 6125, Administering Medicines to Students);

2. the release of student records that are not considered directory information, unless the release is allowed or required by law (see policy 4700, Student Records);

3. off-campus trips;

4. students' participation in high-impact or high-risk sports or extracurricular activities, such as football or mountain climbing (see policy 4220, Student Insurance Program);

5. all decisions or actions as required by the IDEA with regard to providing special education or related services to students with disabilities (see policy 3520, Special Education Programs/Rights of Students with Disabilities);

6. certain health services, as required by law;

7. participation in a mental health assessment or mental health services under circumstances prescribed by federal law;

8. students' participation in programs or services that provide information about where to obtain contraceptives or abortion referral services;

9. students' participation in surveys funded by the Department of Education that are conducted concerning protected topics (see policy 4720, Surveys of Students);

10. disclosure of students' free and reduced price lunch eligibility information or eligibility status; and

11. students' ~~independent~~ access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47(47), -47(51), -47(54), -47(58), -81.25, -81.30, -81.36, -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -407.16; 16 N.C.A.C. 6D .0307; State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

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Safe schools are critical to creating a learning environment in which students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

Temporary Requirements to Prevent COVID-19 Spread

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, the school system will implement the strategies that ~~enforce the requirements~~ of 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 ~~applicable to individuals entering school grounds and facilities and will adhere to any requirements placed on the school system by DHHS~~. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement strategies recommended by DHHS ~~requirements~~. These temporary ~~requirements~~ rules shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This supervision must occur throughout school hours, including during class, between classes, on the playground, and during recess or lunch periods; during authorized school field trips; and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during, and after school.

Students who are subject to policy 4260, Student Sex Offenders, and are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The board recognizes its duty to provide each of its employees with a workplace free from recognized hazards that are causing or are likely to cause death or serious physical harm.

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds, and equipment for health, fire, and safety hazards on a regular basis, as required by law, and to notify the

superintendent immediately of unsanitary conditions or repairs needed to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Responding to Student Altercations and Other Threats to Safety

   All school system employees have a duty to be alert at all times to situations that may pose a threat to the safety of students, employees, or visitors on school property, at school events, or in other situations in which the students are under the authority of school employees. Even an employee who does not have responsibility for supervising students is expected to make an immediate report if the employee observes or has reason to suspect that a situation poses a threat to safety and no administrator, teacher, or other supervisory employee is present and aware of the potential threat.

   Teachers, teacher assistants, coaches, and other employees with responsibility for supervising students will use appropriate student behavior management techniques to maintain order and discipline on school property, at school events, and anywhere that students are under the employees' authority. Such employees must enforce the Code of Student Conduct and address student behavior in accordance with the school plan for management of student behavior (see policy 4302, School Plan for Management of Student Behavior).

   When employees with responsibility for supervising students have personal knowledge or actual notice of a student altercation or other situation that poses an immediate threat to safety, they shall use their professional judgment to determine how best to address the situation to protect the safety of everyone in the vicinity. Emergency procedures identified in a student's Behavior Intervention Plan shall be followed to the maximum extent possible under the circumstances. For minor threats or altercations or altercations involving young children, the employee shall intervene directly to end the fight or address the safety threat if the employee can do so safely. An employee who encounters a situation that cannot be managed safely and effectively by that employee immediately shall request assistance from other employees or administrative staff and shall take steps to remove bystanders from the area. Only the degree of force or physical control reasonably necessary shall be used to re-establish a safe environment.

Employees should take further action as appropriate in accordance with any response protocols established by the principal or superintendent. All employees are responsible for knowing and following such protocols to the fullest extent reasonable under the circumstances at the time.

2. School Rules

The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses, and on school grounds.

3. Training for Staff and Students

Staff training must include detailed instruction on how to respond to a variety of emergency situations. Staff should also be able to recognize and respond to behavior, information, and related indicators that warn of impending problems. In addition, middle and high school employees must receive adequate training on the operation of the school's anonymous safety tip line.

School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety. Middle and high school students must also be informed of the anonymous safety tip line and its purpose and function.

4. Safety Equipment

School employees shall provide students and visitors with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

The board, in coordination with local law enforcement and emergency management agencies, will adopt a school risk management plan relating to incidents of school violence for each school in the school system. The superintendent must provide the Department of Public Safety's Division of Emergency Management (Division) with emergency response information it requests for the school risk management plan and updated emergency response information when such updates are made. The superintendent must also provide the Division and local law enforcement with schematic diagrams, including digital schematic diagrams, of all school facilities and updates of the schematic diagrams when the school system makes substantial facility modifications, such as the addition of new facilities or modifications to doors or windows. Schematic diagrams must meet any standards established by the Department of Public Instruction for the preparation and content of the diagrams. In addition, the superintendent shall provide local law enforcement with

(1) either keys to the main entrance of all school buildings or emergency access to key storage devices for all school buildings and (2) updated access to school buildings when changes are made to the locks of the main entrances or to the key storage devices.

At least one school-wide tabletop exercise and drill that meets the requirements of state law and is based on the procedures documented in the school risk management plan will be held annually at each school. Principals shall also conduct fire drills as required by law.

6. Reporting Risks to the School Population

Students should notify any staff member of any acts of violence, harassment, or bullying or any other unusual or suspicious behavior that may endanger safety. Middle and high school students may also use the anonymous safety tip line to report any risks to the school population or buildings. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment, or other impediments to students reporting potential problems.

Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment, and bullying. Staff members must report immediately to the principal any information regarding unusual or suspicious behavior or acts of violence, harassment, or bullying.

School officials shall investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, 4040/7310, Staff-Student Relations, 4329/7311, Bullying and Harassing Behavior Prohibited, 4335, Criminal Behavior, and 7232, Discrimination and Harassment in the Workplace).

7. Potential Threats of Registered Sex Offenders

The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

Students are expected to meet behavior standards set forth in board policies.

Legal References: 29 C.F.R. part 1904; G.S. 14-208.18; 95-129(1); 115C-36, -47, -105.49, -105.51, -105.53, -105.54, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; 13

N.C.A.C. 7A .0301; 16 N.C.A.C. 6E .0107; State Board of Education Policy SCFC-005

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), School Improvement Plan (policy 3430), Staff-Student Relations (policy 4040/7310), Student Sex Offenders (policy 4260), Student Behavior Policies (4300 series), Bullying and Harassing Behavior Prohibited (policy 4329/7311), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5027/7275), Public Records – Retention, Release, and Disposition (policy 5070/7350), Relationship with Law Enforcement (policy 5120), Discrimination and Harassment in the Workplace (policy 7232), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities*, U.S. Department of Education, Office of Safe and Drug-Free Schools (January 2007), available at http://www2.ed.gov/admins/lead/safety/crisisplanning.html

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Employees and board members have an absolute duty to maintain the confidentiality of records as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent for human resources (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

A. PERSONNEL FILES

It is a criminal violation for an employee or board member to do either of the following:

1. knowingly, willfully, and with malice permit any unauthorized person to have access to information contained in a personnel file;~~,~~ or

2. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

B. STUDENT RECORDS

Employees and board members shall safeguard the confidentiality of student records as provided in policy 4700, Student Records.

C. HANDLING AND TRANSMITTING PERSONALLY IDENTIFIABLE INFORMATION

The superintendent or designee is directed to establish and enforce processes and protocols for the secure handling and electronic transmission of personally identifiable information of students and employees.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Other Resources: *Transmitting Private Information Electronically: Best Practices Guide for Communicating Personally Identifiable Information by E-mail, Fax, or Other Electronic Means,* available at https://www.dpi.nc.gov/best-practices-guide-pii-and-email/download?attachment

Adopted: April 6, 2009

REMOTE PARTICIPATION IN BOARD MEETINGS

Policy Code: **2302**

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

A. DEFINITIONS

The following definitions apply in this policy:

1. Official Meeting of the Board

   An official meeting of the board is an official meeting as defined by G.S. 143-318.10 and policy 2300, Board Meetings, and includes a board meeting, board committee meeting, public hearing, quasi-judicial hearing, or any other gathering that constitutes an official meeting subject to the open meetings law. References to "meeting" in this policy mean an official meeting of the board.

2. Remote Participation

   Remote participation occurs when a member participates in an official meeting of the board or any part thereof via electronic means from a place other than the physical location of the meeting designated in the public notice for the meeting.

3. Wholly Remote Meeting

   A wholly remote meeting is an official meeting of the board or any part thereof in which all members participate remotely by simultaneous communication via conference telephone, conference video, or other electronic means. A wholly remote meeting has no physical location.

4. State-Declared Emergency

   A state-declared emergency exists when there has been a declaration of a state of emergency by the Governor or resolution of the General Assembly pursuant to G.S. 166A-19.20 that is applicable to the area under the board's jurisdiction.

5. Locally-Declared Emergency

A locally-declared emergency exists when there has been a declaration of a local state of emergency by the governing body of a municipality or county in accordance with G.S. 166A-19.22 that is applicable to area under the board's jurisdiction.

B. AUTHORIZED CIRCUMSTANCES FOR REMOTE PARTICIPATION

1. Meetings During a Declared Emergency

The board acknowledges that in-person meetings are strongly preferred and that a quorum of the board should be physically present for the meeting when reasonably possible. However, in times of emergency, including natural disasters and health emergencies, the board may find it necessary to have some or all of its members participate in meetings remotely.

a. State-Declared Emergency

During a state-declared emergency, wholly remote meetings or meetings with remote participation by individual member(s) will comply with G.S. 166A-19.24 and the requirements of this policy, including the special rules for meetings held during emergencies described in Section E, below.

b. Locally-Declared Emergency

During a locally-declared emergency, wholly remote meetings and meetings with remote participation by individual member(s) will comply with the requirements of the open meetings law, Sections C and D below, and to the extent not inconsistent with G.S. 143-318.13, the procedures established by G.S. 166A-19.24 as described in Section E, below.

2. Meetings Not During a Declared Emergency

a. Wholly Remote Meetings.

The board will not hold wholly remote meetings in the absence of a state- or locally-declared emergency.

b. Remote Participation by Individual Members

The board authorizes remote participation by individual members consistent with the requirements of this policy in any meeting of the board that is not a hearing as described in policy 2500, Hearings Before the Board, or other quasi-judicial proceeding.

C. CONDITIONS AND REQUIREMENTS FOR REMOTE PARTICIPATION

1. A member may attend a meeting and participate in board deliberations and decisions by remote participation if the member is prevented from physically attending the meeting due to:

   a. personal illness, disability, order of quarantine or isolation, government-issued "stay-at-home" mandate, or recommendation of medical provider or public health officials to limit public interaction;

   b. out-of-town travel;

   c. unexpected lack of child-care;

   d. family member illness or emergency;

   e. weather conditions;

   f. military service;

   g. employment obligations;

   h. a scheduling conflict; or

   i. a state or local declaration of a state of emergency that makes in-person attendance at a meeting a violation of an order to reduce social contact or to stay at home for reasons of public health.

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

3. No board member may participate remotely more than three times during a calendar year for a reason other than order of quarantine or isolation, "stay-at-home" mandate, or recommendation to limit public interaction, as described in subsection C.1, above; however, in other justifiable circumstances, the board may, by two-thirds vote, agree to waive this limitation.

4. Acceptable means of remote participation include telephone-, Internet-, or satellite-enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email, and web chat without audio are not acceptable means of remote participation.

5. A board member participating in a meeting remotely shall use his or her best efforts to participate in all or as much of the meeting as circumstances permit and not

merely for the closed session portion of the meeting or a limited number of agenda items.

6. A board member participating remotely will be considered present at the meeting for purposes of establishing and maintaining a meeting quorum and will be entitled to participate in open session deliberations at the meeting if, and while:

   a. the member is able to hear other members of the board and any individuals addressing the board, including members of the public who are recognized by the board during public comment;

   b. all persons present at the meeting location are able to hear the board member who is participating remotely; and

   c. when video technology is used, it is preferred that the remote participant is visible to all persons present at the meeting location.

7. A board member who is entitled to participate in open session deliberations may also participate in a closed session of the meeting if the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the member's remote location.

8. A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:

   a. any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and

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

D. PROCEDURE FOR REMOTE PARTICIPATION

1. A member of the board who desires to participate in a meeting remotely shall notify the board chair and the superintendent at least four hours in advance of the meeting so that necessary arrangements can be made. If the member has not already received all documents to be considered at the meeting, the superintendent shall arrange for delivery of the materials in a manner that is practicable under the circumstances.

2. The chair or designee at the meeting location shall initiate contact with the member prior to the start of the meeting to secure participation.

3. The chair shall announce the remote participant and the means of remote participation at the beginning of the meeting.

4. The chair shall remind all members that all chats, instant messages, texts, or other written communications between members of the board regarding the transaction of board business during the meeting, including such communications between or among members participating remotely, are a public record.

5. If the remote participant cannot be physically seen by other members of the board and members of the public present at the meeting, the remote participant must identify himself or herself in each of the following situations:

   a. when the meeting begins or the roll is taken;

   b. prior to participating in the deliberations, including making motions, proposing amendments, and raising points of order; and

   c. prior to voting.

6. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.

7. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

8. All votes taken will be by voice vote (rather than by a show of hands).

9. The minutes of the meeting will reflect that the meeting was conducted by use of simultaneous electronic communication, which members were in attendance by simultaneous communication, and when such member(s) joined or left the meeting. Any interruption to or discontinuation of a member's participation will also be noted in the minutes.

10. The member participating remotely will bear the cost of his or her personal telephone or computer usage, internet connection, and any other personal costs incurred while the member participates from a remote location.

E. SPECIAL RULES FOR REMOTE MEETINGS DURING A DECLARED EMERGENCY

The following modifications and additions to the requirements of this policy apply to meetings held during a declared emergency.

1. Quasi-judicial hearings may be held remotely with consent of the parties and in conformance with the requirements of G.S. 166A-19.24(f) and this section.

2. Notice of meetings will be provided as required by G.S. 143-318.12 (and 166A-19.24(b1), if the original meeting notice did not specify a remote meeting), and will specify (1) the means by which the public can access the simultaneous live stream of the meeting and (2) any other means by which the public can access the meeting as it occurs.

3. The board need not provide a location for members of the public to listen to the meeting; however, in accordance with G.S. 143-318.13(d), this provision applies only to meetings conducted in accordance with G.S. 166A-19.24 when a **state-**declared emergency exists.

4. All documents to be considered during the meeting shall be provided to each member.

5. The means for simultaneous communication specified in subsection C.4 of the policy must allow for any member to do all of the following:

    a. hear what is said by the other members;

    b. hear what is said by any individual addressing the board; and

    c. to be heard by the other members when speaking to the public body.

6. A member participating by simultaneous communication will be counted as present for quorum purposes only during the period that simultaneous communication is maintained for that member in accordance with subsection C.5, above.

7. The board will refrain from acting by reference to a document or other materials so as to conceal from public understanding what is being deliberated, voted, or acted upon at the meeting.

8. Except when the board is meeting in closed session, the meeting will be simultaneously streamed live online to the public, or if the meeting is conducted by conference call, the public will be provided an opportunity to dial in or stream the audio live and listen to the meeting.

9. If the meeting is a public hearing, the board will allow for written comments on the subject of the hearing to be submitted up to 24 hours ~~after~~ prior to the scheduled time for the beginning of the public hearing; ~~takes place,~~ however in accordance with G.S. 143-318.13(d), this flexibility applies only to meetings conducted in accordance with G.S. 166A-19.24 when a **state-**declared emergency exists.

10. Subsection C.3 of this policy will not apply to remote meetings held during a state or local emergency.

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

Legal References: G.S. 166A-19.20, -19.22, -19.24; G.S. ch. 143, art. 33C; N.C. Attorney General Advisory Letter to McLeod, (March 26, 2020), copy available at https://www.ncsba.org/wp-content/uploads/2020/04/Open-Meetings-advisory-letter.pdf~~https://www.ncsba.org/wp-content/uploads/2020/03/Open-Meetings-advisory-letter.pdf~~

Cross References: Board Meetings (policy 2300), Compliance with the Open Meetings Law (policy 2320), Closed Sessions (policy 2321), Board Meeting News Coverage (policy 2325), Quorum (policy 2341), Hearings Before the Board (policy 2500), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: December 7, 2015
Updated: July 6, 2020

The board recognizes that curriculum development must be an ongoing process in order to address continually the changing needs and diversity of all students and to fulfill the educational goals of the board. The board further recognizes that while educators must be responsible for developing the curriculum, parents, other governmental agencies, businesses, and members of the public have valuable insights in the type of curriculum needed.

A. CURRICULUM DEVELOPMENT

The curriculum must be developed to meet state and board requirements, using the current statewide instructional standards and any other legally required resources as a foundation. The superintendent shall establish a curriculum committee to coordinate curriculum planning and ensure that the curriculum is aligned with the current statewide instructional standards and includes subject-area competencies for each grade level. The committee must include central office administrators, teachers, and school administrators representing the various schools and grade levels. Teachers should receive appropriate training so that they may participate in curriculum development. The committee also must seek input from parents, the community, and experts in order to make fully informed decisions.

The superintendent shall direct the committee to review periodically the curriculum content used in courses addressing the founding principles of our nation.

The committee may recommend that the board expand subject areas and objectives of the curriculum to meet the educational goals of the board and state and federal laws. The committee also may recommend eliminating subject areas or objectives that are not state-required or related to the educational goals of the board.

B. CURRICULUM MODIFICATION BY INDIVIDUAL SCHOOLS

The principal is the instructional leader of the school and is responsible for determining whether the curriculum meets the needs of the students of the school. Accordingly, the principal or designee may consider modifying the curriculum.

If a school official wishes to modify the curriculum, he or she may submit a proposal to the central curriculum committee. Unless the curriculum committee has significant concerns about the proposal, the committee will approve the changes so long as the curriculum maintains continuity. After being approved by the curriculum committee, the proposal must be submitted to the board for approval as a part of the school improvement plan process if the modifications include: (1) expanding or reducing the subject areas or objectives; (2) eliminating subject areas or objectives not required by the state; or (3) waiving local board policies. The curriculum committee shall ensure that the curriculum continues to be aligned with the current statewide instructional standards.

C. EVALUATION

The superintendent shall ensure that the methods for meeting curriculum objectives are regularly evaluated for their effectiveness. The board also encourages external curriculum audits by professional curriculum assessors.

Legal References: G.S. 115C art. 8 pt. 1; 115C-47; S.L. 2021-8, sec. 5.(a)

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430)

Adopted: March 6, 2000
Updated: August 3, 2009
Updated: June 3, 2013
Updated: December 9, 2013
Updated: June 1, 2015
Updated: December 4, 2017

The board provides its students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, ~~and~~ improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal, and responsible use. Accordingly, the board establishes this policy to govern student and employee use of school system technological resources. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools, and learning environments made available by or on the networks, and all devices that connect to those networks.

A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is expected to be exercised in an appropriate and responsible manner. ~~a privilege, not a right.~~ Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest, and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette.

General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct, and other regulations and school rules, apply to use of ~~the Internet and other~~ school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices~~, or who~~ accesses the school's electronic storage or network, or connects to the Internet using school system-provided access ~~resources~~ must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

~~Before using the Internet, a~~All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

~~All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating~~

~~that they understand and will strictly comply with these requirements ad acknowledging awareness that the school system uses monitoring systems to monitor and detect inappropriate use of technological resources.~~ Failure to adhere to the~~se~~ requirements of this policy will result in disciplinary action, including revocation of user privileges. Willful misuse may result in ~~disciplinary action and /or~~ criminal prosecution under applicable state and federal law, disciplinary action for students, and/or adverse personnel action for employees.

B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient, and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited unless approved for special situations by the teacher or school administrator. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with school system business, and is not otherwise prohibited by board policy or procedure.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. ~~Students and employees~~Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. ~~Any use that violates state or federal law is strictly prohibited.~~ Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

4. Users must follow any software, application, or subscription services terms and conditions of use.

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing, or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages, or other material that is obscene, defamatory, profane, pornographic, harassing, abusive, or considered to be harmful to minors.

6. Users must not circumvent fire walls. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to

facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others.

   a. Students must not reveal any personally identifying, private, or confidential information about themselves or fellow students ~~W~~when using email, chat rooms, blogs, or other forms of electronic communication. ~~, students must not reveal personal identifying information that is private or confidential, such as~~ Such information includes, for example, a person's ~~the~~ home address or telephone number, credit or checking account information, or social security number. ~~of themselves or fellow students.~~ For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

   b. ~~In addition, s~~School employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private, or confidential information concerning students (including names, addresses, or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records.

   c. Users ~~also~~ may not forward or post personal communications without the author's prior consent.

   d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance, including by streaming audio or video for non-instructional purposes. ~~Users must scan any downloaded files for viruses.~~ Users may not disable antivirus programs installed on school system-owned or issued devices.

11. Users may not create or introduce games, network communications programs, or

any foreign program or software onto any school system computer, electronic device, or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems, or accounts.

13. Users are prohibited from using another individual's ID or password for any technological resource or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password must be shared for a unique classroom situation, ~~S~~students must ~~also~~ have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute, or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, ~~problem on a technological resource,~~ he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share ~~demonstrate~~ the problem with~~to~~ other users. Any user identified as a security risk will be denied access.

17. It is the user's responsibility to back up data and other important files.

18. ~~Teachers~~ Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.

19. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

21. Without permission by the board, users may not connect any person technologies such as laptops, workstations and printers, wireless access points and routers, etc. to a district owned and maintained local, wide or metro area network. Connection of personal devices such as iPods, smartphones, PDAs and printers is permitted but not supported by Montgomery County Schools. The board is not responsible for

the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

22. Those who use district owned and maintained laptops must also follow these guidelines:

a. Keep the laptop secure and damage free

b. Use the provided protective case at all times.

c. Do not loan out the laptop, charger or cords.

d. Do not leave the laptop in your vehicle.

e. Do not leave the laptop unattended.

f. Do not eat or drink while using the laptop or have food or drinks in close proximity to the laptop.

g. Do not allow pets near the laptop.

h. Do not place the laptop on the floor or on a sitting area such as a chair or couch.

i. Do not leave the laptop near table or desk edges.

j. Do not stack objects on top of the laptop.

k. Do not leave the laptop outside.

l. Do not use the laptop near water such as a pool.

m. Do not check the laptop as luggage at the airport.

n. Back up data and other important files regularly, Montgomery County Schools Technology Department will at times perform maintenance on the laptops by imaging. All files not backed up to server storage space or other storage devices will be deleted during this process.

C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from diverse and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing material and information that is obscene, pornographic, or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are

disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by using a cellular network to connect a personal device to the Internet.~~users who connect to the Internet via their persona mobile telephone technology (e.g., 3G, 4G service)~~

~~**D. PARENTAL CONSENT**~~

~~The board recognizes that parents of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student's parent must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in independent use of the Internet. The parent and student must consent to the student's independent access to the Internet and to monitoring of the student's email communication by school personnel.~~

~~In addition, in accordance with the board's goals and visions for technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third party accounts.~~

D. PRIVACY

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, ~~or on~~ the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220, Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

F. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos, or trademarks without permission.

1. Students

   Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's online behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy to the extent consistent with law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are not age appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

G. USE AGREEMENTS

All students, parents, and employees will be informed annually of the information in this policy. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 7131; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers)

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Use of Equipment, Materials, and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted: August 1, 2005
Updated: April 6, 2009
Updated: January 12, 2012
Updated: January 14, 2013
Updated: December 8, 2014
Updated: May 4, 2015
Updated: December 5, 2016

The board believes that an effective testing and assessment program evaluates the progress of individual students and helps ensure that educational goals and objectives are being met for every child. A testing program also assists in the continued refinement of the instructional program. In addition, data from tests and assessments provide measures of student learning that are useful for evaluating educator effectiveness.

Every effort will be made to ensure that the testing program contributes to the learning process rather than detracts from it. Efforts also will be made to use only culture-free or culture-fair tests in order to ensure that measurements are reasonably accurate.

A. ADMINISTRATION OF TESTS, SCREENINGS, AND OTHER ASSESSMENTS

The superintendent shall provide for the proper administration of all state-required tests, screenings, and other assessments and any state-required remedial instruction, interventions, and/or retesting in accordance with all requirements established by law or the State Board of Education. The superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described in Section B, below, and any other applicable state requirements are met.

The superintendent shall provide for the online administration of state-required tests to the extent required by the State Board of Education or the Department of Public Instruction, and otherwise as feasible within available resources. The superintendent shall keep the board informed of any resources or other measures needed to support online test administration.

Students may participate in field testing and other sample testing as designated by the State Board or the Department of Public Instruction.

The superintendent shall develop security and administration procedures for the state testing program and other assessments that are consistent with State Board of Education requirements and relevant law. The superintendent shall ensure that all relevant personnel are instructed in such procedures. All testing personnel, teachers, and school administrators are required to be familiar with and adhere to all applicable testing manuals, handbooks, and guides, including the Testing Code of Ethics, for state and locally-required tests. Failure to follow procedures may result in disciplinary sanctions, including termination or revocation of administrative and/or teaching licenses.

B. HIGH SCHOOL END-OF-COURSE TESTING

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education. For all students, including English Learner students in their first year in a U.S. school and students

following the Occupational Course of Study Pathway, the results of EOC tests and CTE State Assessments will count as 20 percent of a student's final grade in each high school course for which there is an EOC test or CTE State Assessment. However, the results of such assessments will not factor into a student's final grade in a course during the initial implementation year of a new assessment for that course where scores are not immediately available due to standard setting.

C. MINIMIZING TIME SPENT TESTING

The superintendent or designee shall ensure that the time students spend taking standardized state and local tests and the frequency of field testing at a particular school are minimized. Specifically, the superintendent shall ensure the following.

1. Schools will devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning.

2. Students will not be subject to field tests or national tests during the two-week period preceding their school's administration of end-of-grade tests, end-of-course tests, or regularly scheduled final exams.

3. No school will participate in more than two field tests at any one grade level during a school year.

4. All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) or other applicable law and all final exams for courses will be administered within the final ten instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. Exceptions will be permitted on an individual basis to accommodate a student's individualized education program or Section 504 plan; for the administration of final exams for courses with national or international curricula required to be held at designated times; for make-up testing; and as otherwise permitted by the Department of Public Instruction.

5. A report of local standardized testing is provided to the board for review in even-numbered years and, if required, a plan for reducing the time spent on such testing is subsequently prepared and submitted to the State Board of Education in compliance with state law.

Legal References: The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, -h; 34 C.F.R. pt. 99; G.S. 115C, art. 10A; 115C-47, -83.5, -83.6, -83.6A, -83.6B, -83.7, -83.8, -174.11, -174.12, -174.13, -174.15, -174.22, -174.25, -276, -288, -307, -402.5; S.L. 2019-212, Sec. 1; State Board of Education Policy series TEST and GRAD; EVAL-006, EVAL-025 through -031

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420),

Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other Resources: *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations

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A. PURPOSE

The board believes that students should progress to the next level of study only after they are proficient in their knowledge and application of the current curriculum level. To the extent reasonably possible, students should be given as much time or as little time as they need to be proficient at a particular level of study. Students will be promoted to the next level of study as described in this policy.

B. STUDENT PROMOTION STANDARDS

The superintendent shall develop (1) proposed promotion standards and (2) a process to be used in determining a student's readiness to progress to the next level of study and shall submit the standards and process to the board for approval. The standards will be based, in part, upon proficiency in reading. The standards and process must provide multiple criteria for assessing a student's readiness to progress to the next level of study, such as standardized test scores, formative and diagnostic assessments, grades, a portfolio or anthology of the student's work, and, when appropriate, accepted standards for assessing developmental growth. The standards and process will incorporate all state law and State Board of Education policy requirements, including those for the assessment and promotion of third grade students as described in G.S. 115C-83.6 *et seq.* and State Board of Education Policies KNEC-002 and -003.

Principals shall ensure that the promotion standards are used by teachers and school administrators in assessing each student's readiness to progress to the next level of study. Principals have the authority to promote or retain students based upon the standards approved by the board and any applicable standards set by the State Board of Education.

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to address the needs of students who are not making adequate academic progress as required by policy 3405, Students at Risk of Academic Failure.

C. DIPLOMA STANDARDS

To receive a North Carolina high school diploma, a student must complete the requirements set forth in policy 3460, Graduation Requirements.

D. APPEALS OF PROMOTION DECISIONS

1. Appeal to the Superintendent

   Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent.

The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis) or was otherwise an abuse of discretion.

The superintendent must render a decision within 10 workdays of receiving the appeal. The superintendent may support the principal's decision, remand it back to the principal for consideration of additional issues, or reverse the decision.

The superintendent's findings must be in writing and must be provided to the parents.

2. Appeal to the Board of Education

The superintendent's decision to promote or retain a student may be appealed to the board in accordance with the procedures set forth in subsection E.5 of policy 1740/4010, Student and Parent Grievance Procedure.

E. ~~READING CAMPS~~ LITERACY INTERVENTIONS

1. Reading Camps

The board will provide reading camp opportunities as required by law at no fee for students who are entitled to this intervention under state law. ~~have not yet demonstrated reading proficiency on a third grade level at the end of third grade and for first and second grade students whose demonstrated reading comprehension is below grade level.~~ The superintendent or designee shall encourage parents of eligible students to enroll their students in a reading camp. To the extent resources permit, the board will offer fee-based reading camp opportunities ~~to~~ for students in eligible grades who are not entitled to attend at no cost. ~~have successfully demonstrated reading proficiency appropriate for a third grade student and to first and second grade students who have demonstrated appropriate developmental abilities in reading comprehension.~~ Annually, the board will establish criteria for priority enrollment in its fee-based reading camps and will set the attendance fee at an amount not to exceed the statutory limit. The superintendent or designee shall notify interested parents of the application procedure for the fee-based reading camps.

2. Individual Reading Plans

Beginning in the 2022-2023 school year, an Individual Reading Plan (IRP) will be developed in accordance with state law for any student in kindergarten through third grade demonstrating difficulty with reading development based on the results of either (1) the first diagnostic or formative assessment of the school year or (2) the first diagnostic or formative assessment of the second semester of the school year. The student's teacher shall notify the parent or guardian that the student has demonstrated difficulty with reading development and that an IRP has been

developed for the student. The notice provided must include all other information required under G.S. 115C-83.6B(b) and should be in the parents' native language when appropriate foreign language resources are readily available.

3. Digital Children's Reading Initiative

The school system will provide access through the school system website to available resources from the Department of Public Instruction's Digital Children's Reading Initiative as required by law. Printable activities from those resources will be provided in hard copy to students who do not have digital access at home.

4. Approval of Literacy Intervention Plan

By the established deadline each year, the superintendent or designee shall submit to the Department of Public Instruction for approval a plan for the literacy interventions the school system will offer in the following school year, as required by G.S. 115C-83.6A.

F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

To the extent possible, students with disabilities must be held to the same promotion standards as all other students. However, for students who take alternative assessments in lieu of the end-of-grade (EOG) or end-of-course (EOC) tests, promotion decisions must be based on criteria recommended by the IEP team.

All intervention strategies and other opportunities, benefits, and resources that are made available to students without disabilities must be made available to those students with disabilities who are subject to the student promotion standards. Such opportunities must be in addition to the special education services provided to the student.

G. CREDIT BY DEMONSTRATED MASTERY

~~Beginning with the 2014-15 school year, t~~The superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

H. CREDIT RECOVERY

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of

the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

Any EOC exam associated with the credit recovery course will be administered no later than 30 days upon completion of the credit recovery course. The credit recovery will be graded as pass or fail and will not impact the student's grade point average. The original grade for the course will remain on the student's transcript.

The superintendent shall develop procedures addressing the implementation of credit recovery opportunities across the school system.

I. REPEATING A COURSE FOR CREDIT

1. Repeating a Previously Failed Course

   As provided in State Board of Education policy CCRE-001, high school students who fail a course for credit may repeat that course. To take advantage of this option, the student must repeat the entire course. Beginning with the 2015-16 school year, when a student initially fails a high school course and successfully repeats the course for credit, the new course grade will replace the original failing grade for the course on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility. The superintendent may develop procedures for students to indicate their intent to repeat a course for credit under this paragraph and may establish any other rules as necessary and consistent with State Board policy.

2. Repeating a Course for which Credit was Earned (Grade Replacement)

   The board recognizes that high school students may need to repeat a course for which they have earned credit in order to increase their understanding of the course content, to improve skill mastery, or to meet postsecondary goals. Students may repeat a course for which they have previously earned credit, subject to the following preconditions and any other reasonable rules established by the superintendent:

   a. the student must have earned a letter grade of C or lower in the course on the first attempt;

   b. the student must make a written request to repeat the course;

   c. the principal or designee must approve the request;

   d. there must be space available after seats have been assigned to students who

are taking the course for the first time or repeating a previously failed course;

e. the course to be repeated must be a duplicate of the original class and must be taken during the regular school day at a high school in this school system or through the North Carolina Virtual Public School;

f. upon completion of the repeated course, the new course grade will replace the student's original grade on the student's transcript and in calculations of the student's GPA, class rank, and honor roll eligibility, regardless of whether the later grade is higher or lower than the student's original mark;

g. credit towards graduation for the same course will be given only once;

h. a course may be repeated only one time; and

i. students may repeat a maximum of four previously passed courses during their high school careers.

The superintendent shall require notice to students and parents of these preconditions and of any other relevant information deemed advisable by the superintendent.

J. ACCELERATION

Some students may need less time to learn the curriculum. Teachers are encouraged to challenge these students by expanding the curriculum, providing opportunities to explore subjects in greater detail or providing different types of educational experiences. To challenge a student sufficiently, the principal may reassign the student to a different class or level of study and/or may identify concurrent enrollment or other curriculum expansion options (see policy 3101, Dual Enrollment).

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate.

K. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

At least on an annual basis, the superintendent shall provide the board with the following information for each school:

a. aggregate student performance scores on state-mandated tests and any other standardized tests used by a school or the school system;

b. the number and percentage of students retained and/or not meeting the standards for their grade level;

c. the number and percentage of third grade students exempt from mandatory third grade retention by category of exemption as listed in state law; and

d. remedial or additional educational opportunities provided by the school system and the success of these efforts in helping students meet promotion standards.

2. Report to the North Carolina State Board of Education and Department of Public Instruction

Pursuant to statutory requirements and standards established by the Department of Public Instruction, all required information regarding student performance will be provided annually to the State Board of Education and the Department of Public Instruction.

3. Publication on the School System Website

Information about the reading performance of first, second, and third grade students will be posted on the school system website in accordance with state law.

L. RESOURCES

Consistent with the objective of improving student performance, the board will provide schools with maximum flexibility in the allocation of state funds. School personnel are expected to budget financial resources in a manner that will meet the standards established in this policy. The board will consider requests to transfer funds from other funding allotment categories to intervention strategies as part of the school improvement plan submitted by school officials. All funds will be used in a fiscally sound manner in accordance with policy 8300, Fiscal Management Standards.

M. NOTIFICATION TO PARENTS

The superintendent or designee shall provide information regarding promotion standards to all students and parents. In addition, if a kindergarten, first grade, second grade, or third grade student (1) is demonstrating difficulty with reading development or (2) is not reading at grade level, the student's teacher shall provide the student's parents timely written notice advising that if the student is not demonstrating reading proficiency by the end of third grade, the student will be retained, unless exempt from mandatory retention for good cause. Parents are encouraged to help their children meet the promotion standards and will have opportunities to discuss the promotion standards and procedures with teachers and the principal. Information provided to parents should be in the parents' native language when appropriate foreign language resources are readily available.

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review, and appeal opportunities. When a student is to be retained, the principal shall

provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed ~~reading~~ literacy interventions that will be provided to the student to remediate ~~identified~~ areas where the student has not demonstrated ~~of~~ reading ~~deficiency~~ proficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

N. CHILDREN OF MILITARY FAMILIES

As required by the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and policy 4155, Assignment to Classes, school administrators have the authority to exercise flexibility in waiving course or program prerequisites or other preconditions for the placement of children of military families in courses or programs offered by the school system.

Legal References: G.S. 115C-36, -45(c), -47, -81.5, -83.2, -83.3, -83.6, -83.6A, -83.6B, -83.7, -83.7A, -83.8, -83.9, -83.10, -83.11, -105.21, -174.11, -288(a), -407.5; S.L. 2021-8; State Board of Education Policies CCRE-001, KNEC-002, KNEC-003

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Students at Risk of Academic Failure (policy 3405), School Improvement Plan (policy 3430), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Children of Military Families (policy 4050), Assignment to Classes (policy 4155), Fiscal Management Standards (policy 8300)

Other Resources: *Guidelines for Testing Students Identified as English Learners* (N.C. Department of Public Instruction), available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-students-identified-english-learners; Read to Achieve Implementation Guide, available at https://www.dpi.nc.gov/districts-schools/classroom-resources/early-learning-read-achieve/k-3-literacy

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The board recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be career and college ready and productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all course unit requirements as described in Section A; and

2. successful completion of cardiopulmonary resuscitation instruction.

The principal shall ensure that students and parents are aware of all graduation requirements. School counseling program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school or who, for other reasons, have completed course work outside of the school system, the principal shall determine what course work will be applied as credit toward graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunity for Military Children (G.S. 115C-407.5) and the requirements of subsection C.3 of this policy in determining the graduation requirements for children of military families.

A. COURSE UNITS REQUIRED

All students must fulfill the course unit requirements of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. The tables below list the course unit requirements for the Future-Ready Core Course of Study and the Future-Ready Occupational Course of Study based on the student's year of entry into ninth grade for the first time.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future-Ready Core Course of Study completed prior to grade 9, ~~while in middle school~~ as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board endeavors to keep its policy up to date with current State Board of Education graduation requirements, students should verify current requirements with their school counselors when planning course schedules or making other decisions based on graduation

requirements.

1. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time before 2020-2021

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) two American history courses which shall be either (a) American History I and II, (b) American History I or II and another Social Studies course, or (c) American History and another Social Studies course; and (3) World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)±	As part of the 6 elective credit requirement, All students beginning with the freshman class of 18-19 must earn the Career Management Credit******
Total Credits	**22**	6 Additional earned credits from any of the above subjects

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0.

† The founding principles courses, American History: Founding Principles, Civics and Economics

and Founding Principles of the United States of America and North Carolina: Civic Literacy, must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies~~y~~ CCRE-001 and GRAD-004.

± Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

2. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy;† (2) an American History course which shall be either (a) American History I, (b) American History II, or (c) American History; (3) World History;± and (4) Economics and Personal Finance^)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	As part of the 6 elective credit requirement, All students beginning with the freshman class of 18-19 must earn the Career Management Credit******
Total Credits	**22**	6 Additional earned credits from any of the above subjects

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0.

† The founding principles courses, American History: Founding Principles, Civics and Economics and Founding Principles of the United States of America and North Carolina: Civic Literacy must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies ~~y~~ CCRE-001 and GRAD-004.

± It is strongly recommended that students take World History in the first year of their high school Social Studies course sequence due to the nature of the adoption of the new Social Studies Standard Course of Study effective in 2021-2022.

^ This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

3. Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022

Courses Required*	**State Requirements**	**Local Requirements**
English	4 sequential (English I, II, III, and IV)	
Mathematics	4 (NC Math 1, 2, and 3 and a fourth math course aligned with the student's post-high school plans.)** (A principal may exempt a student from this math sequence. Exempt students will be required to pass NC Math 1 and 2 and two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)***	
Science	3 (a physical science course, Biology, and earth/environmental science)	
Social Studies	4 (including: Founding Principles of the United States of America and North Carolina: Civic Literacy;† Economics and Personal Finance;± American History; and World History)	
Health/P.E.	1	
Electives	6 (2 electives must be any combination of Career and Technical Education, Arts Education, or World Language; 4 must be from one of the following: Career and Technical Education, J.R.O.T.C., Arts Education, or any other subject area or cross-disciplinary course. A four-course concentration is recommended.)‡	As part of the 6 elective credit requirement, All students beginning with the freshman class of 18-19 must earn the Career Management Credit******
Total Credits	**22**	6 Additional earned credits from any of the above subjects

* Certain International Baccalaureate (IB), Advanced Placement (AP), and Cambridge International Examination (CIE) courses will satisfy specific graduation requirements. See SBE Policy GRAD-008.

** Students who are learning disabled in math may have other options for meeting the four mathematics credits requirement. See DPI memo of August 24, 2016 available at http://bit.ly/DPIMemo, and the math options chart linked below.

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math 3 as a prerequisite. The math options chart is available at https://sites.google.com/dpi.nc.gov/k-12-mathematics/resources/hs-mathematics/math-options-charts?authuser=0.

† This course must follow the North Carolina Standard Course of Study (NCSCOS) in its entirety and may not be satisfied by any other courses, except as provided in SBE Policy GRAD-008. See also SBE Policies~~y~~ CCRE-001 and GRAD-004.

± This course must, at a minimum, include the standards established by the second edition of the Voluntary National Content Standards in Economics and the 2013 National Standards for Financial Literacy, as developed by the Council for Economic Education.

‡ Students seeking to complete minimum course requirements for UNC universities must complete two credits of a single world language.

4. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade prior to 2020-2021 (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including American History I and American History II* OR (1) American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy; and (2) American History I or American History II or American History)**	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours***	600	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	**22**	

* Applicable only to students entering the ninth grade for the first time prior to 2017-18.

** Applicable only to students entering the ninth grade for the first time between 2017-2018 and 2019-2020.

*** The work hours must include: (1) 150 hours of school-based training with work activities and

experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

5. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	3 (including Introduction to Math, NC Math I, and Financial Management)	
Science	2 (including Applied Science and Biology)	
Social Studies	2 (including (1) a founding principles course which shall be either American History: Founding Principles, Civics and Economics or Founding Principles of the United States of America and North Carolina: Civic Literacy and (2) Economics and Personal Finance)	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Occupational Preparation	6 (including: (1) Occupational Preparation I or Employment Preparation I: Science; (2) Occupational Preparation II or Employment Preparation II: Citizenship IA and Employment Preparation II: Citizenship IB; (3) Occupational Preparation III or Employment Preparation III: Citizenship IIA and Employment Preparation III: Citizenship IIB; and (4) Occupational Preparation IV or Employment Preparation IV: Math)	
Work Hours*	600	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	**22**	

* The work hours must include: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

6. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2021-2022 (only available to certain students with disabilities who have an IEP)

Courses Required	**State Requirements**	**Local Requirements**
English	4 (including English I, II, III, and IV)	
Mathematics	4 (including Introduction to Math, NC Math I, Financial Management, and Employment Preparation IV: Math (to include 150 work hours))	
Science	3 (including Applied Science, Biology, and Employment Preparation I: Science (to include 150 work hours))	
Social Studies	4 (including Founding Principles of the United States of America and North Carolina: Civic Literacy, Economics and Personal Finance, Employment Preparation II: Citizenship IA (to include 75 work hours), and Employment Preparation II: Citizenship IB (to include 75 work hours))	
Health/P.E.	1	
Career/Technical	4 (Career/Technical Education electives)	
Additional Employment Preparation*	2 (including Employment Preparation III: Citizenship IIA (to include 75 work hours) and Employment Preparation III: Citizenship IIB (to include 75 work hours))	
Electives	0	
Other Requirements	• Completion of IEP objectives • Career Portfolio	
Total Credits	22	

* The work hours included in Employment Preparation I, II, III, and IV are as follows: (1) 150 hours of school-based training with work activities and experiences that align with the student's post-school goals; (2) 225 hours of community-based training; and (3) 225 hours of paid employment or 225 hours of unpaid vocational training, unpaid internship, paid employment at community rehabilitation facilities, and volunteer and/or community services hours, for a total of 600 required work hours.

B. HIGH SCHOOL END-OF-COURSE AND OTHER TESTING

High school students must take all end-of-course (EOC) tests and Career and Technical Education (CTE) State Assessments required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

C. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation.

1. Honor Graduates

   Honor graduates may be designated by principals on the basis of criteria established by the superintendent. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

3. Children of Military Families

In order to facilitate the on-time graduation of children of military families, the board adopts the following policy provisions for students to whom the Interstate Compact on Educational Opportunity for Military Children applies.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required course work so that the student may graduate on time.

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests; or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning of or during his or her senior year is ineligible to graduate from the school system after all of the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with the sending school system to ensure that the student will receive a diploma from the sending board of education.

4. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the board upon recommendation by the superintendent.

5. Graduation Certificates

   Graduation certificates will be awarded to eligible students in accordance with the standards set forth in State Board policy GRAD-010.

6. Diploma Endorsements

   Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study: (1) Career Endorsement, (2) College Endorsement (two options), (3) North Carolina Academic Scholars Endorsement, and/or (4) a Global Languages Endorsement. No endorsement is required to receive a diploma.

Legal References: G.S. 115C-12(40), -47, -81.25(c)(10)(c), -81.45(d), -81.65, -174.11, -276, -288, -407.5; 16 N.C.A.C. 6D .0309; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: March 6, 2000
Updated: June 4, 2007
Updated: June 1, 2009
Updated: December 7, 2009
Updated: May 3, 2010
Updated: November 3, 2010
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Updated: January 14, 2013
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Updated: October 6, 2014
Updated: June 1, 2015
Updated: December 7, 2015
Updated: November 7, 2016
Updated: January 9, 2017
Updated: December 4, 2017
Updated: July 6, 2020
Updated: December 7, 2020
Updated: April 12, 2021
Updated: June 7, 2021

The board recognizes the unique circumstances faced by children of military families who are often required to transfer to a new school system because their parents or guardians have a new military assignment. The board also recognizes that children whose immediate family members are deployed by the military may be at increased risk of emotional, psychological, or other harm. The board is committed to supporting these children in the school system and undertaking to serve their unique needs.

A. IDENTIFICATION OF MILITARY-CONNECTED STUDENTS

Each principal shall annually identify all military-connected students enrolled in the school and shall develop a means for serving their unique needs. For purposes of this section, a military-connected student is defined as a student who has a parent, step-parent, sibling, or any other person who resides in the same household serving in the active or reserve components of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard.

The identification of military-connected students is not a public record subject to public records law.

B. COMPLIANCE WITH THE INTERSTATE COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

In order to promote flexibility and cooperation among the school system, parents and guardians, and children of military families, to promote the children's well-being, and to assist these children in achieving educational success in their new schools, the superintendent shall adopt procedures necessary to ensure compliance with the Interstate Compact on Educational Opportunity for Military Children (hereinafter "Compact") and to educate employees about the unique needs of children of military families.

1. Definitions

   The following definitions apply to all policies and procedures adopted in compliance with the Compact.

   a. Active Duty

      Active duty is full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 *et seq.* and 10 U.S.C. 12401 *et seq*.

   b. Children of Military Families

Children of military families are school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

c. Deployment

Deployment is the period one month prior to the service members' departure from their home station on military orders through six months after their return to their home station.

d. Education Records

Education records are those official records, files and data directly related to a student and maintained by the school or school system, including but not limited to records encompassing all the material kept in the student's cumulative folder, such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

e. Extracurricular Activities

Extracurricular activities are voluntary activities sponsored by the school or school system or an organization sanctioned by the school system. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

f. Member State

A member state is a state that has enacted the Compact.

g. Non-Member State

A non-member state is a state that has not enacted the Compact.

h. Receiving State

The receiving state is the state to which a child of a military family is sent, brought, or caused to be sent or brought.

i. Rule

A rule is a written statement by the Interstate Commission promulgated pursuant to Article XII of the Compact that is of general applicability, implements, interprets or prescribes a policy or provision of the Compact,

or an organizational, procedural, or practice requirement of the Interstate Commission, and has the force and effect of rules promulgated under the Administrative Procedures Act as found in Chapter 150B of the North Carolina General Statutes, and includes the amendment, repeal, or suspension of an existing rule.

j. Sending State

The sending state is the state from which a child of a military family is sent, brought, or caused to be sent or brought.

k. Student

The student is the child of a military family for whom the school system receives public funding and who is formally enrolled in kindergarten through twelfth grade.

l. Transition

The transition is (1) the formal and physical process of transferring from school to school or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

m. Uniformed Services

The uniformed services are the Army, Navy, Air Force, Marine Corps, and Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and the Public Health Services.

n. Veteran

A veteran is a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

2. Those to Whom Adopted Policies and Procedures Apply

Policies and procedures that are adopted to comply with the Compact apply to the children of:

a. active duty members of the uniformed services as defined in ~~s~~Section A of this policy, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. 12301 *et seq.* and 10 U.S.C. 12401 *et seq.*;

b. members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

c. members of uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

3. Those to Whom Adopted Policies and Procedures Do Not Apply

The policies and procedures adopted to comply with the Compact do not apply to the children of:

a. inactive members of the National Guard and Military Reserves;

b. members of the uniformed services now retired, except as provided in ~~s~~Section B of this policy; and

c. veterans of the uniform services, except as provided in Section B of this policy, and other U.S. Department of Defense personnel, and other federal agency civilians and contract employees not defined as active duty members of the uniformed services.

C. RESOLUTION OF ISSUES

The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or guardians who disagree with a decision pertaining to education records, enrollment or eligibility for enrollment, placement, attendance, extracurricular activities, or graduation of a child of a military family, or a rule, as defined in this policy. In addition, parents or guardians may seek informal resolution of such decisions at any time by contacting the office of the North Carolina Department of Public Instruction (NCDPI) Military Liaison or the North Carolina Commissioner of the North Carolina State Council for the Interstate Compact on Educational Opportunity for Military Children. Specific contact information may be found online at www.dpi.nc.gov/students-families/student-support/nc-supports-military-children or by calling NCDPI at (984) 236-2100.

Legal References: G.S. 115C-12(18)(f), -288(m), -407.5

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Student Promotion and Accountability (policy 3420), Graduation Requirements (policy 3460), Extracurricular Activities and Student Organizations (policy 3620), Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Assignment to Classes (policy 4155), Attendance (policy 4400), Student Records (policy 4700)

Adopted: May 4, 2009
Updated: December 6, 2011
Updated: January 14, 2013
Updated: December 8, 2014

Updated: June 7, 2021

A student who is domiciled within the geographic area served by the school system, who is under age 21 (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation and who otherwise qualifies for admission, is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition. In addition, students who are homeless or in foster care may be entitled to continue attending their school of origin without payment of tuition regardless of a change in their domicile or residency status.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are "grandfathered" into the system under subsection C.5, below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See Section C, below.)

A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students Generally

   The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian, or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

   If a student is at least 18 years of age, is married, or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian, or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and is entitled to the same rights and privileges of other students domiciled in the school system.

3. Domicile of Students with Divorced or Separated Parents

   Domicile for the purpose of school admission and assignment will be determined by the following criteria.

a. In the event that a student's parents are divorced or separated and physical custody has been given to only one parent, the student's domicile follows that of the parent who has been granted physical custody.

b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's system of residence, then the parents must jointly agree on which residence will be used to determine the student's domicile. The selected residence must be submitted in writing to the superintendent.

c. The selection may not be changed during the school year unless the parents satisfy the board's policies on transfers and releases.

d. In the event that the parents cannot agree on which residence will be used to determine the student's domicile for school assignment purposes, school officials shall assign the student according to the residence of the parent with physical custody of the student at the beginning of each school year.

C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the system in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned in accordance with policy 4125, Homeless Students.

2. The parent, guardian, or legal custodian residing in the school system attendance area is a student, employee, or faculty member of a college or university or is a visiting scholar at the National Humanities Center.

3. The student resides in a group home, foster home, or other similar facility or institution.

4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

5. The parent, guardian, or legal custodian residing in the school system attendance area is on active military duty and is assigned by official military order to a military installation or reservation in North Carolina.

6. The student is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities* and the

child was (a) enrolled in the school system on the last day of school for the 2006-07 school year or (b) enrolled in and attending a school in the school system on August 1, 2007, for the 2007-08 school year, so long as the child lives within and is continuously enrolled in the system.

7. The student resides with an adult who is a domiciliary of the school system as a result of any of the following.

   a. The death, serious illness, or incarceration of the child's parent or legal guardian.

   b. The abandonment by the child's parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance.

   c. Abuse or neglect by the parent or legal guardian.

   d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide the student with adequate care and supervision.

   e. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health.

   f. The loss or uninhabitability of the student's home as the result of a natural disaster.

   g. The parent or legal guardian is one of the following: (1) ~~on active military duty, not including periods of active duty for training for less than 30 days, and is deployed out of the local school administrative unit in which the student resides; (2)~~ a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (2~~3~~) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty (but only for a period of one year after the death of the parent or guardian). Assignment under this subsection is only available if some evidence of the ~~deployment,~~ medical discharge, retirement, or death is tendered with the affidavits required under G.S. 115C-366.

   h. The parent or legal guardian is on active military duty, not including periods of active duty for training for less than 30 days, and the commanding officer of the parent or legal guardian provides in a signed letter that the parent or legal guardian's military orders prevent him or her from physically residing with the student. Assignment under this subsection is only available if the signed letter from the commanding officer is included with the affidavits

required under G.S. 115C-366, and the commanding officer indicates the time period that such military orders will be in effect.

In order to be admitted under this provision, the student may not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit, unless the student is identified as eligible for special education and related services under the Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*, and evidence of such eligibility is tendered with the affidavits described below.

The adult with whom the student resides and the student's parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available from the superintendent's office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

D. REMOTE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

A student who is not domiciled in the school system attendance area is permitted to enroll by remote means, including electronic means, prior to commencement of the student's residency in the school system attendance area if all of the following apply.

1. The student's parent or legal guardian is on active military duty and is transferred or pending transfer pursuant to an official military order to a military installation or reservation in North Carolina.

2. Upon request by the school system, the parent or legal guardian provides a copy of the official military order transferring to the military installation or reservation.

3. The parent or legal guardian completes and submits the school system's enrollment forms and documentation, except that proof of residency and documentation related to disciplinary actions required under policy 4115, Behavior Standards for Transfer Students, will not be required until the student transfers into the school system.

The school system will make available to a student who registers to enroll pursuant to this section the same opportunities available to a domiciled student, such as requesting or applying for school assignment, registering for courses, and applying for any other programs that require additional request or application. A student enrolled pursuant to this section may not attend school until proof of residency is provided.

E. PARTICIPATION IN JROTC BY HOME SCHOOL STUDENTS

A home school student who resides within the assignment area of a school that maintains a Junior Reserve Officers' Training Corps (JROTC) unit shall be permitted membership in

the JROTC unit of the school without regard to domicile if the student is otherwise qualified for membership but for lack of enrollment in the school.

F. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

G. APPEAL OF ADMISSION DECISIONS

Within 10 working days of receiving all of the information required under this policy, the superintendent or designee shall provide a written decision to the applicant for admission to the school system. The superintendent's decision regarding admission of the student may be appealed to the board in accordance with subsection E.5 in policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: 10 U.S.C. 2031(g); Elementary and Secondary Education Act, 20 U.S.C. 6303 *et seq.*; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 7B art. 35; 35A art. 6; 15C-8(i); 50-13.1 to -13.3; 115C-106.2, -106.3, -107.6, -108.1(a), -366, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000, available at http://ec.ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Behavior Standards for Transfer Students (policy 4115), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: March 2, 2010
Updated: June 3, 2014
Updated: November 7, 2016
Updated: July 6, 2020

A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school assignment areas for the schools in the system.

The assignment areas will be developed in accordance with ~~state requirements and court rulings~~ applicable legal requirements, the need to serve all school-age children who live in the school system, and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

The superintendent shall review periodically the ~~attendance~~ assignment areas and submit recommendations for revisions to the board when necessary.

B. ASSIGNMENT OF STUDENTS

The superintendent or designee shall assign students to particular schools in accordance with the following standards. ~~based upon the established assignment areas.~~

1. Students Admitted Based on Domicile

   Except as otherwise provided in this policy, students admitted to the school system based on domicile will be assigned to the school of the appropriate grade span within the assignment area of the student's domicile (or residence location if the student is exempted from the domicile requirement, as described in policy 4120, Domicile or Residence Requirements).

2. Students Accepted for Discretionary Admission

   Students who are accepted for discretionary admission under policy 4130, Discretionary Admission, will be assigned to a school that meets the best interest of the student and the orderly and efficient administration of the school system.

3. Homeless Students and Students in Foster Care

   Notwithstanding any other ~~the~~ provisions of this policy, the superintendent or designee shall (1) assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students; and (2) assign students in foster care to their school of origin unless contrary to their best interest, as required by federal law.

4. Students Participating in the Address Confidentiality Program

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

5. Students with Disabilities

Students with disabilities receiving services under an Individualized Education Program (IEP) or Section 504 plan will be assigned to schools in accordance with this policy unless the superintendent or designee determines the student needs a different assignment to provide access to a program or service required under the IEP or Section 504 plan, as determined by the student's IEP or Section 504 team.

6. Administrative Assignment

The superintendent or designee may administratively assign a student to a school other than the one to which the student would otherwise be assigned under this policy when deemed in the best interest of the student and/or the effective administration of the schools, such as for reasons related to student safety, discipline, or programmatic issues, or when required by law.

7. Assignment to Alternative Program or School

Students will be assigned to an alternative education program or school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

8. Admission to Magnet Schools or Other Schools of Choice

~~Parents or guardians also have the option of applying~~ Students may apply for admission to one of the school system's magnet schools or other schools of choice. Unless otherwise established by the board for specific programs, ~~A~~admission decisions for magnet schools will take into account the following criteria:

a. maintaining a socioeconomic, geographic, and student achievement diversity that is reasonably reflective of the school system as a whole;

b. efficient use of school facilities and transportation resources;

c. any program criteria that must be met by the student for admission to the particular school;

d. enabling siblings to attend the same school; and

e. hardship on the student or parent that has been documented by the parent.

C. REQUESTS FOR REASSIGNMENT

A parent or guardian who is dissatisfied with a school assignment may request reassignment to a different school as provided below. The superintendent or designee shall have the authority to approve or deny requests for reassignment for satisfactory reasons as established by the superintendent and communicated to students and parents and guardians. A reassignment request denied by the superintendent or designee may be appealed to the board in accordance with subsection C.2, below.

1. Procedure for Requesting Reassignment ~~Before Notice of Assignment~~

~~Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a~~A request for reassignment must be submitted in writing to the superintendent or designee within the school system's established school reassignment window or within 10 days of receiving notice of the school assignment. The request must specify why reassignment is sought. An untimely request for reassignment will be treated as a transfer request under Section D. ~~by June 1.~~

The superintendent or designee shall consider the request for reassignment and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested, and the instruction, health, and safety of the pupils there enrolled. ~~A decision will be made and t~~The parent will be notified ~~by June 30~~ via registered or certified mail if the superintendent or designee denies the request. If the parent is dissatisfied with the superintendent's or designee's response, the parent may appeal the decision to the board ~~request the board to reassign the student~~ as provided below.

~~2. Procedure for Requesting Reassignment After Notice of Assignment~~

~~Within 10 days of notice of the assignment or the last publication thereof, the parent may request in writing the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail~~.

2. Appeal to the Board When Reassignment Request Is Denied

Within five days of receiving ~~the~~ notice that a request for reassignment was denied~~of the disapproval~~, the parent or guardian may request a hearing on the ~~reassignment~~ request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient

administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health, and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, e-mail, or any other method reasonably designed to achieve notice.

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

Students whose legal residence changes from one school assignment area to another within the school system during the same school year may choose to finish out that school year in the same school or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.

2. Unsafe School Choice Transfer under the Elementary and Secondary Education Act

Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. Transfer of Homeless Students

Students who become homeless between academic years or during an academic year may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student's best interest. (See policy 4125, Homeless Students.)

4. Transfer of Students in Foster Care

Students who are assigned to foster care between academic years or during an academic year will remain in their school of origin unless remaining in the school of origin is not in the best interest of the student. The best interest of the student will be decided based on all relevant factors, including consideration of the appropriateness of the educational setting and proximity to the school in which the child is enrolled at the time of placement in foster care.

5. Other Transfers

The superintendent shall consider student requests for transfer to another school during the school year based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations, and other criteria established by the superintendent.

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

The following conditions apply in regard to any reassignments or transfers made in accordance with ~~s~~Sections C and D of this policy.

1. The parent or guardian is responsible for transportation (except for reassignments or transfers of homeless students or ~~transfers and transfers of~~ students in foster care based on the student's best interest, for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).

2. The transfer or reassignment is valid for no more than one school year (except for (a) unsafe school choice transfers, for which the length of ~~re~~assignment will be consistent with legal requirements and policy 4152; (b) homeless student transfers or reassignments for which the length of ~~re~~assignment will be consistent with legal requirements and policy 4125; and (c) transfers or reassignment of students in foster care, for which the length of ~~re~~assignment will be consistent with legal requirements).

3. Any transfer or reassignment request that is approved based upon false or misleading information will be declared void and ~~the transfer~~ will be rescinded.

~~F. ASSIGNMENT TO ALTERNATIVE SCHOOL~~

~~Students will be assigned to the alternative school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.~~

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016) and *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016), both available at https://www2.ed.gov/policy/elsec/leg/essa/index.html; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at https://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln; G.S. 15C-8; 115C-36, -366, -367, -369; State Board of Education Policy SSCH-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), Discretionary Admission (policy 4130), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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Updated: May 4, 2009
Updated: April 3, 2012
Updated: January 14, 2013
Updated: November 7, 2016
Updated: June 5, 2017

The board is committed to providing an environment at each school that is safe, orderly, and inviting. The board believes that in most cases, a student should attend the school that serves his or her domicile. Under certain circumstances or conditions, however, the board provides parents the opportunity to request that their child attend a school outside of his or her attendance area (see policy 4150, School Assignment).

Pursuant to federal and State Board of Education requirements, the board will allow a student who attends a school designated as a persistently dangerous school or a student who becomes the victim of a violent criminal offense at his or her school to attend another school that the superintendent has identified as an eligible transfer school.

A. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Violent Criminal Offenses

   Violent criminal offenses are the following crimes, ~~which must be reported to the State Board of Education in accordance with State Board of Education Policy SSCH-000~~:

   a. homicide ~~as defined in G.S. 14-17 and 14-18~~;

   b. assault resulting in serious bodily injury ~~as defined in G.S. 14-32.4~~ ;

   ~~c.~~ d. assault involving use of a weapon ~~as defined in G.S. 14-32 through 14-34.10~~;

   e. rape ~~as defined in G.S. 14-27.21, 14-27.22, 14-27.24, and 14-27.25~~;

   ~~f.~~ g. sexual offense ~~as defined in G.S. 14-27.26, 14-27.27, 14-27.29, and 14-27.30~~;

   h. sexual assault ~~as defined in G.S. 14-27.33 and 14-33(c)(2)~~;

   i. kidnapping ~~as defined in G.S. 14-39~~;

   j. robbery with a dangerous weapon ~~as defined in G.S. 14-87~~; and

   ~~k.~~ l. taking indecent liberties with a minor ~~as defined in G.S. 14-202.1, 14-202.2, and 14-202.4~~.

2. Persistently Dangerous School

A persistently dangerous school is a school in which:

a. at least two violent criminal offenses were committed with a rate of five or more such offenses per 1000 students during each of the two most recent school years; and

b. the conditions that contributed to the commission of such offenses are determined by the State Board of Education as being likely to continue into another school year.

3. Eligible Transfer School

An eligible transfer school is a school that is not designated as a persistently dangerous school, that offers instruction at the student's grade level, and that the superintendent has identified as eligible for unsafe school choice transfer.

B. SCHOOL REVIEW OF VIOLENT CRIMINAL OFFENSES

Upon the commission of any violent criminal offense on school property or off school property on a school-sponsored field trip, the principal and the school improvement team shall review the incident to determine whether any conditions or procedures at the school or in the school improvement plan need to be modified as a result of the incident. The principal shall provide a report of the review to the superintendent or designee.

C. IDENTIFICATION OF SCHOOLS AS PERSISTENTLY DANGEROUS

1. Conditions Contributing to the Commission of Violent Criminal Offenses

For any school in which at least two violent criminal offenses and five or more such offenses per 1000 students were committed on school property during each of the two most recent school years, the board will determine whether any changes need to be made in the school- or system-level school safety procedures. The superintendent shall report to the State Board of Education any conditions in the school that may have contributed to the commission of the violent criminal offenses and any plans that the board has to eliminate such conditions.

2. Probationary Schools

If the State Board of Education determines that a school should be placed on probation, during the probationary year the principal and school improvement team shall implement strategies to protect students from violent criminal offenses and to deter future offenses from occurring. Such strategies must be incorporated into the school improvement plan. As necessary, the superintendent may request assistance from the Department of Public Instruction to help identify strategies for implementation.

3. Persistently Dangerous Schools

   If the State Board of Education determines that a school is a persistently dangerous school, the superintendent shall assign personnel from the central office to review safety procedures at the school. The central office team also shall assist the school with creating and implementing a corrective action plan for the school. The corrective action plan should be based on an analysis of the problems at the school, should include strategies to improve safety at the school, and should identify any system-level policies and procedures that need to be modified. Any strategies identified for the corrective action plan should be incorporated into the school improvement plan.

   Pursuant to the unsafe school choice transfer procedures provided below, a student who attends a persistently dangerous school will be allowed to transfer to another school that the superintendent has designated as an eligible transfer school.

   As deemed appropriate, the board will pursue any appeals process available for review of a school's designation as probationary or persistently dangerous.

D. VICTIM OF A VIOLENT CRIMINAL OFFENSE

A student shall be considered the victim of a violent criminal offense when the following criteria are met:

1. the principal determines, based upon reasonable evidence, that the student has been the victim of any of the applicable offenses identified in this policy; and

2. the offense occurred while the student was on the grounds of the public school that he or she attends.

Pursuant to the unsafe school choice transfer procedures provided below, a student who is a victim of a violent criminal offense shall be allowed to transfer to another school that the superintendent has designated as eligible for transfer.

E. UNSAFE SCHOOL CHOICE TRANSFER PROCEDURES

The superintendent shall establish procedures to facilitate the transfer of students when a school has been identified as persistently dangerous or when a student has been identified as a victim of a violent criminal offense. Such procedures must include the following elements:

1. notice to parents within 10 days of the determination that their child attends a school that has been identified as persistently dangerous or that their child has been identified as a victim of a violent criminal offense;

2. notice to parents that their student has the opportunity to transfer to another school that has not been identified as persistently dangerous, that serves the student's instructional level, and that the superintendent has designated as an eligible transfer school; this notice must be provided no later than 14 days before the start of the school year for students attending persistently dangerous schools and no later than 14 days after determining that a student has become a victim of a violent criminal offense;

3. identification of those schools, including any virtual schools, within the system that are eligible to receive unsafe school choice transfers;

4. identification of other options for unsafe school choice transfers if no schools in the school system are eligible;

5. a process for parents to request transfer upon receiving notification of the unsafe school choice transfer option;

6. a process to ensure that transfers are completed by the start of the school year for students attending a school designated as persistently dangerous or as expeditiously as possible but not later than the start of the school year for a student victim, except in extraordinary circumstances; and

7. a report to the State Board of Education and to the local board of education of each student transfer made pursuant to this policy.

Transfers made because a student's school was designated as persistently dangerous will remain in effect as long as the school is so identified. Transfers made because a student was a victim of a violent criminal offense will remain in effect at least through the remainder of the school year in which the incident occurred.

F. TRANSPORTATION

Parents who decide to transfer their child pursuant to this policy are responsible for transportation of their child to the receiving school.

Legal References: Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), 20 U.S.C. 7912; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at https://www2.ed.gov/policy/elsec/guid/unsafeschoolchoice.doc; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202.1, -202.2, -202.4; 115C-36, -105.27, -366, -367; 16 N.C.A.C. 6E .0107; State Board of Education Policy SSCH-006

Cross References: School Safety (policy 1510/4200/7270), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150)

Adopted: May 4, 2009
Updated: December 6, 2011

Updated: January 14, 2013
Updated: June 1, 2015
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All decisions related to student behavior are guided by the board's educational objective to teach responsibility and respect for cultural and ideological differences and by the board's commitment to creating safe, orderly, and inviting schools. Student behavior policies are provided in order to establish (1) expected standards of student behavior; (2) principles to be followed in managing student behavior; (3) consequences for prohibited behavior ~~or drug/alcohol policy violations~~; and (4) required procedures for addressing misbehavior.

A. PRINCIPLES

The reasons for managing student behavior are to (1) create an orderly environment in which students can learn; (2) teach expected standards of behavior; (3) help students learn to accept the consequences of their behavior; and (4) provide students with the opportunity to develop self-control. The following principles apply in managing student behavior.

1. Student behavior management strategies will complement other efforts to create a safe, orderly, and inviting environment.

2. Positive behavioral interventions will be employed as appropriate to improve student behavior.

3. Responsibility, integrity, civility, and other standards of behavior will be integrated into the curriculum.

4. Disruptive behavior in the classroom will not be tolerated.

5. Consequences for unacceptable behavior will be designed to help a student learn to comply with rules, to be respectful, to accept responsibility for his or her behavior, and to develop self-control.

6. Strategies and consequences will be age and developmentally appropriate.

B. COMMUNICATION OF POLICIES

Board policies related to student behavior are codified mainly in the 4300 series. The superintendent shall incorporate information from such policies into a Code of Student Conduct that notifies students of the behavior expected of them, conduct that may subject them to discipline, and the range of disciplinary measures that may be used by school officials. At the discretion of the superintendent, the Code of Student Conduct may include additional rules needed to implement the board's student behavior policies. ~~Each school shall create a student behavior management plan that will~~ To elaborate further on processes for addressing student misbehavior and the use of intervention strategies and consequences, each school will create a student behavior management plan that is

consistent with the law, board policies, and the Code of Student Conduct (see policy 4302, School Plan for Management of Student Behavior). The Code of Student Conduct must incorporate by reference any additional student behavior standards, prohibited conduct, or disciplinary measures identified in ~~individual school~~ student behavior management plans developed by individual schools ~~in accordance with policy 4302, provided such measures are consistent with law and board policy~~. The Code of Student Conduct must not impose mandatory long-term suspension or expulsion for specific violations unless otherwise provided in state or federal law.

At the beginning of each school year, principals shall make available to each student and parent all of the following: (1) the Code of Student Conduct; (2) any board policies related to behavior that are not part of the Code of Conduct; (3) any related administrative procedures; (4) any additional discipline-related information from the school's student behavior management plan, including behavior standards, prohibited conduct, or disciplinary measures; and (5) any other school rules. This information must be available at other times upon request and must be made available to students enrolling during the school year and their parents.

For the purpose of board policies related to student behavior, all references to "parent" include a parent, a legal guardian, a legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

C. APPLICABILITY

Students must comply with the Code of Student Conduct in the following circumstances:

1. while in any school building or on any school premises before, during, or after school hours;

2. while on any bus or other vehicle as part of any school activity;

3. while waiting at any school bus stop;

4. during any school-sponsored activity or extracurricular activity;

5. when subject to the authority of school employees; and

6. at any other place or time when the student's behavior has or is reasonably expected to have a direct and immediate impact on the orderly and efficient operation of the schools or the safety of individuals in the school environment.

Notwithstanding the foregoing, students will not be disciplined for constitutionally protected behavior. School officials are encouraged to consult with senior administrators before regulating student expression that may be protected by the First Amendment to the U.S. Constitution.

D. CONSEQUENCES FOR VIOLATIONS

Violations of the Code of Student Conduct must be dealt with in accordance with the guidelines established in the school's behavior management plan (see policy 4302, School Plan for Management of Student Behavior).

1. Minor Violations

Minor violations of the Code of Student Conduct are those less severe infractions involving a lower degree of dangerousness and harm. Examples of minor violations include the use of inappropriate or disrespectful language, noncompliance with a staff directive, dress code violations, and minor physical altercations that do not involve a weapon or an injury. Aggravating circumstances, however, may justify treating an otherwise minor violation as a serious violation.

Minor violations of the Code of Student Conduct may result in disciplinary measures or responses up to and including short-term suspension. Further information regarding the procedures for short-term suspensions is provided in policy 4351, Short-Term Suspension. Other disciplinary measures or responses may include, but are not limited to, the following:

a. parental involvement, such as conferences;

b. isolation or time-out for short periods of time;

c. behavior improvement agreements;

d. instruction in conflict resolution and anger management;

e. peer mediation;

f. individual or small group sessions with the school counselor;

g. academic intervention;

h. in-school suspension;

i. detention before and/or after school or on Saturday;

j. community service;

k. exclusion from graduation ceremonies;

l. exclusion from extracurricular activities;

m. suspension from bus privileges; and

n. placement in an alternative school.

The student's parent ~~or guardian~~ is responsible for transportation that may be required to carry out a consequence. With the exception of suspension from bus privileges, if a parent ~~or guardian~~ is unable to provide transportation, another consequence will be substituted.

2. Serious Violations

Serious violations of the Code of Student Conduct may result in any of the consequences that may be imposed for minor violations. In addition, serious violations that threaten to substantially disrupt the educational environment may result in long-term suspension, and serious violations that threaten the safety of students, school employees, or school visitors may result in long-term suspension or expulsion. Certain violations involving firearms or explosive devices may result in a 365-day suspension. Further information regarding the standards and procedures for long-term suspensions, 365-day suspensions, and expulsions is provided in policies 4351, Short-Term Suspension, and 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. (See also policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety, for information regarding 365-day suspensions for certain violations involving firearms or explosive devices.)

E. ENFORCEMENT

The superintendent is responsible for supervising the enforcement of the Code of Student Conduct to ensure that school disciplinary policies are uniformly and fairly applied throughout the school system and consistent with students' constitutional rights.

Legal References: U.S. Const. amend. I; *Mahanoy Area School Dist. v. B.L.*, 594 U.S. ___, 141 S. Ct. 2038 (2021); G.S. 115C-47, -276(r), -288, -307, -390.1, -390.2

Cross References: Goals and Objectives of the Educational Program (policy 3000), Counseling Program (policy 3610), Domicile or Residence Requirements (policy 4120), Student Behavior policies (4300 series)

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Updated: May 4, 2009
Updated: September 14, 2011
Updated: May 7, 2018

The board believes that the dress and personal appearance of students greatly affect their academic performance and their interaction with other students. The board requests that parents outfit their children in clothing that is conducive to learning. Generally, dress and grooming standards as determined by the student and his or her parents will be deemed acceptable. However, the board prohibits any appearance or clothing that does the following:

1. violates a reasonable, nondiscriminatory dress code adopted and publicized by the school;

2. is substantially disruptive (for information on gang-related attire, see policy 4328, Gang-Related Activity);

3. is provocative or obscene; or

4. endangers the health or safety of the student or others.

Before receiving disciplinary consequences, a student who is not in compliance with this policy or a school dress code will be given a reasonable period of time to make adjustments so that he or she will be in compliance. Disciplinary consequences for a student who fails to comply after being offered this opportunity shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violation of the dress code.

Legal References: G.S. 115C-47, -390.2

Cross References: Student Behavior Policies (policy 4300), School Plan for Management of Student Behavior (policy 4302), Disruptive Behavior (policy 4315), Gang-Related Activity (policy 4328)

Adopted: August 5, 2002
Updated: May 4, 2009
Updated: September 14, 2011
Updated: June 4, 2018

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;

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.

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

A. ANNUAL NOTIFICATION OF RIGHTS

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

1. the right to inspect and review the student's education records and the procedure for exercising this right;

2. the right to request amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;

3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;

4. the type of information designated as directory information and the right to opt out of release of directory information;

5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;

6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;

7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

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

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

B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

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

2. Eligible Student

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

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

C. CLASSIFICATION AND MAINTENANCE OF RECORDS

1. Student Education Records

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

a. Cumulative Records

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

b. Discipline Records

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

c. Records of Students with Disabilities

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

d. Records Received from the Department of Social Services

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

e. Juvenile Records

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

These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

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

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

f. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them in accordance with Section K of this policy.

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

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

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

b. employment records of student employees if those records relate

exclusively to the student in his or her capacity as an employee and are not made available for any other use; and

c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. However, a law enforcement record containing information that was obtained from a student's confidential file or other education record must be treated as an education record and may be released only in accordance with this policy.

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

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

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

E. RECORDS OF MISSING CHILDREN

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

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

F. RECORDS OF MILITARY CHILDREN

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

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

1. For Students Leaving the School System

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

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

2. For Students Enrolling in the School System

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

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

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

1. Review by Parent or Eligible Student

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

2. Review of Video or Audio Recordings and Photographs

   a. Parent's Right to Review

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

b. Status as Education Record

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

c. Records of More Than One Student

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

d. Copies of Recordings and Photos

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

3. Request to Amend the Education Record

A parent or eligible student has the right to challenge an item in the student education record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item.

Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 1740/4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

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

1. Release/Disclosure with Parental Consent

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

2. Release/Disclosure without Parental Consent

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

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

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

3. Release of Directory Information

Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement.)

a. The board designates the following student record information as directory information:

(1) name;

(2) address;

(3) telephone listing;

(4) ~~electronic~~ email address;

(5) photograph or digital image, including still or video images of a student engaged in ordinary school activities;

(6) date and place of birth;

(7) participation in officially recognized activities and sports;

(8) weight and height of members of athletic teams;

(9) dates of attendance;

(10) grade level;

(11) diplomas (including endorsements earned), industry credentials/ certifications, and awards received; and

(12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released except as required by law.

c. Information about a homeless student's living situation is not considered directory information and will not be released.

d. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information

is designated directory information by the school system. In addition, secondary school students' email addresses (which will be the email addresses provided by the school, if available) must be provided to military recruiters upon request. Students or their parents, however, may request that the student's name, address, email address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:

(1) specify the types of organizations that are eligible to receive directory information and for what purposes;

(2) provide for equal disclosure to organizations that are similar in purpose; and

(3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

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

5. Disclosure of De-Identified Information

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

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

I. WITHHOLDING RECORDS

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

J. RECORD OF ACCESS AND DISCLOSURE

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

K. DESTRUCTION OF STUDENT RECORDS

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

L. LONGITUDINAL DATA SYSTEM

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; 10 U.S.C. 503(c)(1); G.S. 7B-302, -3100, -3101; 14-208.29; 115C-47(26), -109.3, -402, -403, -404, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources

(2019), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Adopted: January 11, 2016
Updated: November 7, 2016
Updated: June 5, 2017
Updated: July 8, 2019
Updated: December 2, 2019
Updated: June 7, 2021

The superintendent shall ensure that all notification and other requirements of the Protection of Pupil Rights Amendment are met, including all legal requirements regarding the surveying of students.

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic

   For purposes of this policy, the following are considered a "protected topic":

   a. political affiliations or beliefs of the student or the student's parent;

   b. mental or psychological problems of the student or the student's family;

   c. sex behavior or attitudes;

   d. illegal, anti-social, self-incriminating, or demeaning behavior;

   e. critical appraisals of other individuals with whom respondents have close family relationships;

   f. legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers;

   g. religious practices, affiliations, or beliefs of the student or the student's parent; or

   h. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

2. Rules Regarding Surveys Involving Protected Topics

   a. Protection of Student Privacy

      The school system will take measures to protect the identification and privacy of students participating in any survey concerning any of the protected topics. These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of surveys concerning the protected topics. Parents have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.

c. Parental Consent

Before a student is required to participate in any Department of Education-funded survey, analysis, or evaluation that reveals information concerning a protected topic, the parent or eligible student must provide prior written consent.

If prior written consent is not mandated for a survey involving a protected topic (because the survey either is not required or is not funded in whole or part by the Department of Education), the parent or eligible student must be given an opportunity to opt out.

B. THIRD PARTY SURVEYS

Parents and eligible students have the right, upon request, to inspect any survey created by a third party before the survey is administered or distributed to a student.

C. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

The school system generally will not collect, disclose, or use personal student information for the purpose of marketing or selling the information or otherwise providing the information to others for that purpose. However, in the event the board approves a collection, disclosure, or use of personal student information for one of those purposes, the school system will (1) notify parents at the beginning of each school year of the specific or approximate dates of such collection, disclosure, or use, (2) allow parents to inspect any instrument used to collect the information before the instrument is administered or distributed to a student, and (3) offer the parent the opportunity to opt out of the collection, disclosure, or use of the student's personal information.

The preceding rules for the collection, disclosure, and use of personal student information do not apply if the school system collects, discloses, or uses personal information from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as the following:

1. college or other postsecondary education recruitment or military recruitment;

2. book clubs, magazines, and programs providing access to low-cost literary products;

3. curriculum and instructional material used by elementary schools and secondary schools;

4. tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments;

5. the sale by students of products or services to raise funds for school-related or education-related activities; and

6. student recognition programs.

D. OTHER RELEVANT POLICIES

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement; 3210, Parental Inspection of and Objection to Instructional Materials; 4700, Student Records; and 5240, Advertising in the Schools.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Parental Inspection of and Objection to Instructional Materials (policy 3210), Student Discipline Records (policy 4345), Student Records (policy 4700), Advertising in the Schools (policy 5240)

Adopted:

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

A. DEFINITIONS

For purposes of this policy, the following definitions apply.

1. Registered Sex Offender

A registered sex offender is a person who (1) is required to register under the Sex Offender and Public Protection Registration Program and (2) has committed any of the following: an offense in G.S. 14, art. 7B; a federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in G.S. 14, art. 7B; an offense in which the victim was under the age of 18 years at the time of the offense; or an offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A or any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in violation of G.S. 14-190.16, 14-190.17, or 14-190.17A.

2. School Property

School property is defined as any school grounds or any property owned or operated by the school system where minors frequently congregate.

B. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY

In accordance with G.S. 14-208.18, registered sex offenders ~~all persons who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of any offense in Article 7B of Chapter 14 of the General Statutes (b) any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in Article B, or (c) any offense in which the victim was under the age of 18 years at the time of the offense~~ are expressly forbidden to knowingly be present on any school property ~~owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other school-related functions~~, whether before, during, or after school hours. In addition, registered sex offenders ~~subject to G. S. 14-208.18~~ may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all registered ~~covered~~ sex offenders regardless of their relationship to or affiliation with a student in the school system. ~~(Refer to the North Carolina Attorney General's publication *The North Carolina Sex Offender & Public Protection Registration Program*, p.13, for a~~

~~description of which offenders are subject to G.S. 14-208.18 and thus, this policy.)~~

C. ENFORCEMENT

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

D. EXCEPTIONS

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

1. Students

   Students who are ~~subject to G.S. 14-208.18~~ registered sex offenders may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

   ~~Voters who are subject to G.S. 14-208.18 and~~ Registered sex offenders who are eligible to vote may be present on school property for the sole purpose of voting if the school property is being used as a voting place. The voter must not be outside the voting enclosure other than for the purpose of entering and exiting the voting place. If the voting place is a school, ~~T~~the voter must notify the principal of the school that he or she is registered under the Sex Offender and Public Protection Registration~~y~~ Program ~~and the voter must remain at all times in the portion of the school being used as the polling place~~. The voter must leave school ~~grounds~~ property immediately after voting.

3. Parents or Guardians

   a. ~~An individual who is subject to this policy and~~ A registered sex offender who is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

      1) to attend a scheduled conference with school personnel to discuss the ~~child's~~ student's academic or social progress; or

      2) at the request of the principal or designee, for any reason relating to

the welfare or transportation of ~~his or her child~~ the student.

b. ~~For each visit authorized by the principal in accordance with subsection (a) above,~~ In order to visit school property for one of the reasons authorized by subsection (a) above, the parent or guardian must ~~provide~~ notify the principal ~~with prior written notice~~ of his or her registration ~~on~~ under the Sex Offender and Public Protection Registration Program ~~Registry~~ and ~~notice~~ of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.

d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location, and length of meeting.

E. CONTRACTUAL PERSONNEL

~~In order to ensure compliance with this policy, each contract executed by the board must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. Persons who are subject to Section A of this policy may not be sent onto school property for any reason.~~

~~In addition, each time the board enters into any contract or agreement for contracted services that involve direct interaction with children, the contract must include a provision that requires~~ Each contract executed by the board must include a provision requiring the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry ~~on~~ for all contracted employees ~~who may have direct contact with children~~ whose contractual job with the board requires or may result in direct interaction with students, including but not limited to any employee whose contractual job duties include: (1) delivering services directly to students; or (2) performing tasks on or delivering products to school property.

The contract must specify that ~~N~~no contractor or employee of a contractor registered with the State Sex Offender and Public Protection Registration Program, the State Sexually

Violent Predator Registration Program, or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7B, 14-190.16, -190.17, -190.17A, -208.18, -208.19; 115C-332, -332.1

Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260), Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

~~Other References: *The North Carolina Sex Offender & Public Protection Registration Programs,* North Carolina Department of Justice (September 2014), available at http://ncdoj.gov/Protect-Yourself/FindSex-Offenders/SexOffenderRegPrograms.aspx~~

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Updated: June 1, 2015
Updated: December 7, 2015
Updated: December 5, 2016

The board endorses the goals of the Community Schools Act. The board will make specified indoor and outdoor school facilities available for use by eligible community groups under agreements developed in accordance with this policy. The board also will make some outdoor school facilities available for limited recreational use by the general public when not inconsistent with the board's use of the facilities. Any use of school facilities that disrupts school activities or that damages school property will not be permitted. ~~Public use is subject to Section H of this policy.~~

~~**Temporary Restriction on Community Use of 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), school facilities will not be made available to community groups during or after the school day or on weekends in any week in which the school is holding in-person classes on the school campus. Issues regarding the parties' contractual obligations under long-term leases will be referred to the board attorney. This temporary restriction shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.~~

~~**A. GENERAL PRINCIPLES**~~

~~The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the board and school system.~~

~~Priority for facility use will be given to community groups as outlined below in Section B. For-profit groups are not permitted to use school facilities.~~

~~Use of school facilities will not be approved for activities that do any of the following:~~

~~1. violate federal, state, or local laws;~~

~~2. violate board of education policies or regulations;~~

~~3. advocate imminent violence;~~

~~4. damage or have the potential to damage school buildings, grounds, or equipment;~~
~~or~~

~~5. are in conflict with scheduled school activities.~~

A. PRIORITY IN USE/FEE STRUCTURE

In accordance with G.S. 163-129, the county board of elections is entitled to use school facilities as a polling place on election days. School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will otherwise have first priority in the use of school facilities.

For-profit groups are not permitted to use school facilities. Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups. All groups within the same user category will be charged for facility use according to the uniform fee structure.

~~1. In accordance with G.S. 163-129, as a polling place on election days~~

1. School-related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers' and principals' organizations, and booster clubs).

   Fees: Fees for use of kitchens will be charged, as applicable, to cover costs. Custodial or ~~other~~ supervisory ~~services~~ fees may be charged.

2. In accordance with G.S. 115C-527, political parties for the express purpose of annual or biennial precinct meetings and county and district conventions.

   Fees: Custodial and utility fees may be charged.

3. Local government and youth organizations, including, but not limited to, scouts and 4-H.

   Fees: ~~Utility fees for the use of facilities may be charged~~. Custodial and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs. Utility fees may be charged.

4. All other not-for~~n~~-profit groups (all groups not included in the other categories as well as political parties when meeting for purposes other than precinct meetings or county or district conventions).

   Fees: Rental, ~~kitchen,~~ utility, and custodial and/or supervisory fees will be charged. Fees for use of kitchens will be charged, as applicable, to cover costs.

Prior to the beginning of each school year, the superintendent shall submit for board approval a fee structure that lists the amount or method of calculating rent and fees to be charged for facility use.

Fee Schedule (Standard):

- 1 custodian is required for up to 50 people; more than 50 people will require 2 custodians.

- Custodians will be paid at their hourly rate or a minimum of **$50.00**.
- Cafeteria staff will be paid at their hourly rate or a minimum of **$50.00.** Cafeteria staff is only required if the kitchen is used.
- There will be a charge of **$100.00** if the use of the facility requires the use of heat or air conditioning in a single area of the building.
- There will be a charge of **$200.00** if the use of the facility requires the use of heat or air conditioning in more than one area of the building.
- There will be no charge if there is **NO** heating or air conditioning used.
- There will be a fee of **$25.00** for custodial supplies for events attended by 50-100 people and **$50.00** for events attended by more than 100 people.

~~C. REQUESTS FOR USE OF FACILITIES~~

~~An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school in which the facility is located. Facility use request forms will be available in the school administrative office.~~

B. FACILITIES AVAILABLE FOR USE

~~The board permits eligible individuals or groups to use the facilities of those schools designated by the board as "community schools." A list of community schools and the facilities at each site that are available for community use will be available to the public at the superintendent's office and each principal's office.~~

The superintendent or designee shall ~~is authorized to~~ develop and make accessible to the public a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds. School facilities not listed as available for community use may be used only in exceptional circumstances based on a justified need and in accordance with terms approved by the superintendent or designee.

~~Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent or designee. The superintendent is authorized to determine the fees for the use of facilities in such circumstances.~~

C. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent shall develop regulations consistent with this policy. The regulations will include an application process and provisions regarding the supervision of groups using facilities, the care of facilities, prohibited conduct, and other issues deemed appropriate by the superintendent. ~~A copy of t~~The regulations will be made available to the public along with ~~provided to all applicants at the time they receive~~ the facilities use application form. In addition to the regulations established by the superintendent, users of school facilities must comply with the following rules.

1. Users must comply with all federal, state, and local laws and all rules established by the board, the superintendent or designee, and the principal.

2. Users must comply with the requirements of the Americans with Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been adopted for the implementation of the ADA.

3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).

4. Users must not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Drugs and Alcohol).

5. Users must not possess weapons or explosives while on school grounds, except in the limited circumstances permitted by state law and policy 5027/7275, Weapons and Explosives Prohibited.

6. Users must not make any modifications, improvements, or alterations to school facilities without the prior written approval of the superintendent or designee.

7. Users must not display or distribute materials that are vulgar, indecent, or obscene or use vulgar, indecent, or obscene language while on school grounds.

8. Users are responsible for supervising their activities~~y~~ and the people present at their activities~~y~~. Users are responsible for maintaining order and safety during their activities~~y~~.

9. Upon departure, users must remove any materials or equipment they brought onto school grounds.

A user's violation of the provisions of this policy or any applicable regulations is grounds for suspending the user's privilege to use school facilities for a period of time deemed appropriate by the principal, subject to the review of the superintendent and the board of education.

D. FACILITY USE AGREEMENTS

A group that wishes to apply for permission to use a school facility must submit an application to the principal of the school at which the facility is located. If a facility use request is approved, the user will enter into a written agreement signed by the user and the superintendent or designee. Absent unusual circumstances, facility use agreements will not be granted for a term longer than one year. An agreement to span more than one year must be approved in advance by the board.

Long-term leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of Board-Owned Real Property.

E. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for the conduct of all persons involved in the users' activities while on school property. Users ~~of school facilities~~ are responsible for all damage to school facilities, property, or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. ~~Users also are responsible for the conduct of all persons involved in the users' activities while on school property.~~

All user groups, except school-sponsored groups, must furnish a certificate of insurance for general liability coverage with a total limit coverage of $1,000,000 for each claim made. Alternatively, the superintendent or designee may require the user group to execute a waiver of liability that states that no liability will be attached to the board of education, individually or collectively, for personal injury or personal property damage by reason of use of the school property.

~~G. TERM AND ACCEPTANCE OF LEASE~~

~~The superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The superintendent shall inform the board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.~~

~~Absent unusual circumstances, leases will not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board. Long-term exclusive leases are subject to the provisions of policy 9400, Sale, Disposal, and Lease of Board-Owned Real Property.~~

F. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC

Outdoor property and facilities of the school system will be open to limited use by members of the general public in accordance with rules ~~to be~~ established by the superintendent or designee. Public use will be permitted only to the extent that it: 1) is not inconsistent with the proper preservation and care of the outdoor school property; 2) does not interfere with the safe and efficient operation of the schools and school activities; and 3) does not conflict with use by any community group operating under a facility use agreement described in this policy. The superintendent is authorized to establish all terms, conditions, and rules necessary to regulate the use of outdoor facilities by members of the general public consistent with these requirements.

G. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Student and Parent Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; 163-129

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

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DISTRIBUTION AND DISPLAY OF NON-SCHOOL MATERIAL

Policy Code: **5210**

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, distribution and display of non-school material will be limited in accordance with this policy and policy 5240, Advertising in the Schools. School officials shall screen and approve the distribution or display of non-school material on school property. (The term "non-school material" is defined in Section F below.)

This policy applies to the distribution and display of non-school material by students and school-related groups (as defined in Section F below) and by governmental agencies, educational institutions, and non-profit entities as permitted in Section C below. This policy does not apply to the distribution and display of materials by individuals or groups that are on school property in accordance with policy 5030, Community Use of Facilities. Except as provided in Section A below, this policy will not be construed as applying to or prohibiting the display of compliant political signs permitted by G.S. 136-32.

A. DISPLAY OF COMPLIANT POLITICAL SIGNS IN THE RIGHT-OF-WAY DURING DESIGNATED PERIODS

Any person may display compliant political signs in the right-of-way of the state highway system or in municipal street rights-of-way in accordance with the standards established in G.S. 136-32, even if such right-of-way constitutes school grounds. Compliant political signs may be displayed in such right-of-way from 30 days before the first day of "one-stop" early voting to 10 days after the primary or election day. School officials may remove and dispose of any political sign remaining in the right-of-way more than 40 days after the primary or election day. School officials shall observe any different rules established by applicable local ordinance for placement and removal of political signs on municipal street rights-of-way.

School officials shall not remove any political sign lawfully placed except as provided in this section but may request the Department of Transportation to remove a sign that is not in compliance with G.S. 136-32.

B. DISTRIBUTION AND DISPLAY BY STUDENTS

Students wishing to distribute or display on campus any publication, leaflet, or other written material that is not school-sponsored must submit the publication or material to the principal for review prior to distribution. The principal shall prohibit distribution or display when the publication or material contains speech that is prohibited as specified in Section D below but otherwise shall not discriminate on the basis of viewpoint in granting or denying a student permission to distribute or display non-school publications or materials. If permission to distribute or display a publication or material is denied, the student may request review of the principal's decision as specified in Section E below.

C. DISTRIBUTION AND DISPLAY BY NON-STUDENTS

1. Only school-sponsored and curriculum-related publications and materials may be distributed or displayed during the school day, on school grounds or at school activities. The term "school-sponsored or curriculum-related publications and materials" is defined in Section F.

2. The superintendent is authorized to adopt any additional regulations deemed necessary to implement this policy.

3. Nothing in this policy will be construed to create a public forum or a limited public forum that would allow non-students access to school property for the purpose of distributing or displaying non-school material.

D. DISTRIBUTION AND DISPLAY STANDARDS FOR NON-SCHOOL MATERIALS

School officials shall apply the following standards to approve the distribution or display of all non-school material by individuals or groups authorized by this policy on school property:

1. While materials will not be screened for viewpoint, the reviewer shall prohibit the distribution or display of any publication or material that (a) is vulgar, indecent, or obscene; (b) contains libelous statements, personal attacks, or abusive language such as language defaming a person's character, race, religion, ethnic origin, ~~gender~~sex, family status, or disability; (c) causes or clearly threatens to cause a material and substantial disruption of a school activity; (d) encourages the commission of unlawful acts or the violation of lawful school regulations; (e) is inappropriate considering the age of the students in the school; (f) contains information that is inaccurate, misleading, or false; or (g) advertises any product or service not permitted to minors by law.

   The [principal or superintendent's designee, depending on who makes the initial decision] shall notify the superintendent before approving or prohibiting distribution or display of any publications or materials that raise a question as to whether a specific action by school officials might violate the Establishment of Religion Clause, the Free Exercise of Religion Clause, or the free speech rights guaranteed by the First Amendment of the U.S. Constitution. The superintendent shall consult with the board attorney to determine the legally appropriate course of action.

2. The distribution of non-school material must not interfere with instructional time.

3. Non-school publications and materials distributed or displayed to students must be clearly identified, through the method of distribution or otherwise, as non-school materials that are neither endorsed nor necessarily reflective of the views of the

school board or the school system.

4. In order to minimize disruption to the learning environment, political campaign materials may not be distributed to students or employees (including through employee mailboxes and e-mail) or made available on school grounds during school time or at school events. However, on election days, posters and printed materials are permitted for viewing and distribution to the public at school buildings used as polling places in accordance with state law and board of elections requirements.

   This provision does not prohibit a teacher from using political literature or campaign material for instructional purposes. However, any teacher using these materials for instructional purposes shall not use his or her position to promote a particular candidate, party, or position on a specific issue. The teacher also shall attempt to use a variety of materials that represent balanced and diverse viewpoints on the political spectrum.

E. PROCEDURES FOR REQUESTING DISTRIBUTION OR DISPLAY OF NON-SCHOOL MATERIALS

1. Any individual or organization wishing to distribute or display non-school-sponsored publications or materials must first submit for approval a copy of the publication or material to the [principal or superintendent or designee] at least five school days in advance of the distribution or display time, along with the following information: (a) the name and phone number of the individual submitting the request; (b) the date(s) and time(s) of day of intended distribution or display; (c) the desired location for distribution or display of material; and (d) if the distribution or display is intended for students, the grade(s) of students for whom the distribution or display is intended.

2. Within five school days, the [principal or superintendent or designee] shall review the request and render a decision. In the event permission to distribute or display the material is denied or restricted, the individual submitting the request will be informed in writing of the reasons for the denial or restriction.

3. Any request denied or restricted by the [principal or superintendent or designee] may be appealed in writing to the [superintendent or designee or board, depending on who made the initial decision]. [If the principal made the initial decision, the superintendent or designee shall review the decision and render a decision within 10 school days. Any request denied by the superintendent or designee may be appealed to the board of education.] The board will review the request at its next regularly scheduled meeting. As appropriate, the superintendent or the board will consult with the board attorney concerning a request to distribute or display non-school literature.

4. Permission or denial of permission to distribute or display material does not imply

approval or disapproval of its contents by school system administrators, the school board or the individual reviewing the material submitted.

F. DEFINITIONS

The following terms used in this policy are defined as follows:

1. Obscene

   "Obscene" describes any speech or work that the average person, applying contemporary community standards (as opposed to "national standards"), would find, taken as a whole, appeals to prurient interest; or that depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable law; and that, taken as a whole, lacks serious literary, artistic, political, or scientific value.

2. Libelous Statement

   Libelous statements are false and unprivileged statements about a specific person that injure that person's reputation in the community.

3. Non-School Material

   Non-school material includes any publication or other written information that is not a school-sponsored or curriculum-related publication or material.

4. Material and Substantial Disruption

   A material and substantial disruption is any conduct that for any reason, including inappropriateness of time, place or type of behavior, significantly interferes with school functions, classroom instruction, or the rights of other students or school employees. Examples of material and substantial disruption include, but are not limited to, demonstrations, destruction of property, injury to students or other persons, shouting or boisterous conduct, and anything that significantly distracts students from instruction or prevents school personnel from performing their educational responsibilities.

5. School-Sponsored or Curriculum-Related Publications and Materials

   School-related materials or publications are: (a) materials published by the school system for distribution (i.e. school calendars, menus, school newsletters, etc.); (b) materials that are approved by school officials and related to activities or events that are officially sponsored by the school (i.e. announcements for sports teams, clubs, field trips, school plays, and concerts); or (c) materials that are directly related to instruction.

6. School-Related Group

School-related groups are organizations formed to support the school in an area of recognized need, such as the PTA, the PTO, teachers' and principals' organizations, and booster clubs.

The superintendent shall adopt necessary regulations to ensure that this policy is implemented throughout the school system.

Legal References: U.S. Const. amend. I; *Peck v. Upshur*, 155 F.3d 274 (1998); G.S. 115C-36, -47; 136-32; 163-129, -166.4

Cross References: Community Use of Facilities (policy 5030), Collections and Solicitations (policy 5220), Advertising in the Schools (policy 5240)

Adopted: September 8, 2008
Revised: February 2, 2009
Updated: December 2, 2019
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 ~~restrictions put in place by~~ 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 ~~on entering school transportation vehicles and will adhere to any requirements placed on the school system by DHHS related to student transportation services~~. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement strategies recommended by DHHS ~~requirements~~. These temporary ~~requirements~~ 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

Student transportation services will be made available in a manner consistent with the board goals set out in policy 6300, Goals of Student Transportation Services.

A. SCHOOL SYSTEM TRANSPORTATION SERVICES

The first priority of the school system transportation services is to provide eligible students transportation to and from school. The school system may make other transportation services available as funding permits and in accordance with legal requirements, board policy, and the following standards.

1. Yellow school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with board policy.

2. Yellow school buses may be used only for purposes expressly allowed by G.S. 115C-242.

3. Yellow school buses may not be used for athletic activities or extracurricular activities.

4. Activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses.

5. The board encourages the superintendent and principals to provide transportation services to enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning.

B. SPECIAL USE OF SCHOOL BUSES

The board may authorize special uses of yellow school buses as provided by G.S. 115C-242 and 115C-254 and of activity buses and yellow school buses as provided by G.S. 115C-243 and 115C-247. The board may also authorize the special use of activity buses for the purposes described in G.S. 66-58(c)(9b).

The superintendent shall present to the board any requests for special uses and the statutory support for allowing such authorization.

C. TRANSPORTATION FOR STUDENTS WITH DISABILITIES

A student who is identified as having a disability following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with

transportation services as required by law. When the school system's transportation services are unable to provide transportation for a student with a disability, the board may contract with public or private carriers to provide this service, in accordance with applicable laws and board policies ~~pursuant to policy 6340, Transportation Service/Vehicle Contracts~~.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 49 U.S.C. 30125, 30165; G.S. 66-58(c)(9a) and (9b); 115C-239, -242, -243, -247, -254; 16 N.C.A.C. 6B .0111; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education policy TRAN-000; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at http://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf

Cross References: School Trips (policy 3320), Goals of Student Transportation Services (policy 6300), Safety and Student Transportation Services (policy 6305), Transportation Service/Vehicle Contracts (policy 6340), Purchase of Services (policy 6450)

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: June 5, 2017
Updated: June 7, 2021

TRANSPORTATION
SERVICE/VEHICLE CONTRACTS

Policy Code: **6340**

The board may enter into contracts with public or private carriers in accordance with G.S. 115C-253, State Board of Education policy, any other applicable law, and this policy. Any contracts also must comply with policy 6450, Purchase of Services.

The superintendent or designee shall develop safety standards for contracted commercial bus transportation services used to transport students to school-related activities. The standards must comply with the requirements established by the State Board. The superintendent or designee shall develop a list of companies or individuals that meet these standards and are approved to provide student transportation services. If appropriate, the superintendent shall recommend that the board enter into interlocal cooperation agreements to assist in developing the standards and list of approved entities required under this paragraph. The superintendent shall ensure that the school system contracts for commercial bus transportation services for school-related activities only with entities on the approved list.

~~The superintendent shall ensure that the school system contracts for student transportation services only with companies or individuals who are on the approved list.~~

The board may purchase or lease student transportation vehicles in accordance with law and board policy, including policy 6430, Purchasing Requirements for Equipment, Materials, and Supplies and policy 6425, Continuing Contracts. Any such vehicle must meet federal safety standards and state requirements.

All titles will be issued to the board of education. Sufficient liability coverage must be maintained in accordance with policy 8340, Insurance.

The board will consider requests for providing transportation services to a charter school. Such consideration will take into account any factors required by law.

Legal References: 49 U.S.C. 30125, 30165; G.S. 115C-42, -47(25), -239, -240, -247, -249, -249.1, -253, -255; *North Carolina School Transportation Fleet Manual*, State Board of Education Policy TRAN-005; State Board of Education Policies TRAN-009, -010, -011; *School Charter Transportation Recommended Guidelines and Procedures*, available at http://www.ncbussafety.org/motorcoach/index.html

Cross References: Continuing Contracts (policy 6425), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Insurance (policy 8340)

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: December 8, 2010
Updated; June 2, 2014

Updated: December 8, 2014
Updated: December 4, 2017

A. GENERAL PRINCIPLES

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

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

B. RECRUITMENT

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

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

C. CRIMINAL HISTORY

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

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

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

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

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

D. CRIMINAL HISTORY CHECKS OF CHILD CARE PROVIDERS

For purposes of this section, a "child care provider" is:

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

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

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

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

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

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

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

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

E. SELECTION

1. Qualifications

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

a. application;

b. education and training;

c. licensure and certification (when applicable);

d. relevant experience;

e. personal interviews; and

f. references and/or background checks.

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

2. Nepotism

a. For purposes of this subsection, the following definitions apply.

i. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ii. "Central office staff administrator" includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.

b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.

i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.

ii. Notification by the employee to the assistant superintendent of human resources will be deemed disclosure to the board. The assistant superintendent of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.

c. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one

employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

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

3. Employment Procedures

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

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

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; 42 U.S.C. 9858f; 45 C.F.R. 98.43; *Bostock v. Clayton County*, 590 U.S. __, 140 S. Ct. 1731 (2020); *Green v. Missouri Pacific Railroad*, 523 F.2d 1290 (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 110-90.2; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; *Leandro v. State*, 346 N.C. 336 (1997); 10A N.C.A.C. 09 .0102, -.2701, -.2702, -.2703; 16 N.C.A.C. 6C .0313; State Board of Education Policy BENF-009

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

Adopted: July 8, 2013
Updated: December 9, 2013
Updated: June 2, 2014
Updated: December 8, 2014

Updated: January 11, 2016
Updated: June 4, 2018
Updated: December 2, 2019
Updated: June 7, 2021

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

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a person employed in a professional educator position must hold at all times a valid North Carolina professional educator's license appropriate to his or her position.

2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy.

3. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.

4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the State Board of Education.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

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

2. Adjunct Instructors in Core Academic Subjects, Fine and Performing Arts, and Foreign Languages

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

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under G.S. 115C-298.5(a1).

3. Interim Principals

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

4. Cherokee Language and Culture Instructors

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

5. Driver Education Instructors

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

C. BEGINNING TEACHER SUPPORT PROGRAM

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

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

D. LICENSE CONVERSION

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

E. LICENSE RENEWAL

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

The school system may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

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

F. PARENTAL NOTIFICATION

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

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

G. EQUITABLE DISTRIBUTION OF TEACHERS

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R.

200.55-57, 200.61; G.S. 115C art. 17E; 115C-157.1, -270.15, -270.20, -270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available at https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources

Cross References:

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: December 6, 2011
Updated: April 3, 2012
Updated: June 2, 2014
Updated: December 5, 2016
Updated: December 4, 2017
Updated: December 3, 2018
Updated: July 8, 2019
Updated: December 2, 2019
Updated: December 7, 2020
Updated: June 7, 2021

It is the policy of the board to attempt to provide a safe and secure environment for all students and employees. In an effort to maintain a balance between the need to protect the rights of students and employees and the need to control the spread of serious communicable diseases and conditions, the superintendent shall make decisions regarding the employment status of employees with communicable diseases or conditions on a case-by-case basis, in accordance with this policy. An employee suffering from a communicable disease or condition is encouraged to inform his or her supervisor so that appropriate accommodations may be made and appropriate precautions may be taken. This policy applies to all legally reportable communicable diseases~~, including HIV and AIDS,~~ as set forth in 10A N.C.A.C. 41A .0101. This policy must be shared with school employees annually and with new employees as part of any initial orientation.

A. COMMUNICABLE DISEASE DEFINED

- A "communicable disease" is defined as an illness due to an infectious agent (usually a virus or bacterium), or its toxic products, that is transmitted directly or indirectly to a person from an infected person or animal.

A "communicable condition" exists if a person is infected with a communicable agent but does not have symptoms.

A "reportable disease or condition" is defined as a communicable disease or condition declared to be dangerous to the public health and required by the N.C. Department of Health and Human Services to be reported after the disease or condition is reasonably suspected to exist.

B. REPORTING AND CONFIDENTIALITY REQUIREMENTS

1. Principal's Report to Health Department

In accordance with G.S. 130A-136, principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation, along with any information forming the basis for the suspicion. Confidentiality of such reports is protected by law. Principals are immune from liability under state law for making such reports in good faith.

2. Confidentiality

Employees who become aware of another employee's reportable disease or condition may not share that information with anyone, including other school personnel, unless specifically permitted to do so by the health director, by written consent of the affected employee, or by other applicable state or federal laws or regulations. The release of confidential information or records relating to an employee's reportable

disease or condition, except as permitted by law, is a misdemeanor and may subject the employee to discipline up to and including dismissal.

C. SAFETY CONTROL MEASURES

1. Handling Bodily Fluids

In order to prevent the spread of communicable disease and conditions, universal health and safety precautions, including precautions regarding the handling and cleanup of blood and other bodily fluids, must be distributed by the human resources office and followed by all school system employees. Employees are also required to follow the school system's bloodborne pathogens exposure control plan that contains universal precautions and specific work practice controls relating to the handling, disposal, and cleanup of blood and other potentially infectious materials. The bloodborne pathogens exposure control plan will be made available at each school or department. All employees are required to review and be familiar with the plan within a reasonable time, not exceeding 30 days, after assuming employment. Faculty should not allow students to be involved in the handling, disposal, or cleanup of potentially infectious materials unless the students have been specifically trained in the handling of such materials and are qualified to perform first aid services.

- Failure to follow universal health and safety precautions or applicable provisions of the bloodborne pathogens exposure control plan may result in disciplinary action against the offending employee. All employees have a duty to report to the school principal or the ~~director of the personnel office~~ assistant superintendent of human resources any failure by a staff member or a student to follow the universal precautions, including their own.

~~2. Reporting Communicable Diseases~~

~~In accordance with G.S. 130A-136, school principals are required to report suspected cases of reportable communicable diseases or conditions to the county health director for investigation. Principals must provide the health director with available factual information to substantiate the report. Such reports are to remain strictly confidential and may be shared only with other employees as necessary to prepare and file a report. All information must be kept strictly confidential.~~

2. Following Health Control Measures for Communicable Diseases

Employees shall follow all measures to control the spread of communicable disease as directed by the state or local health department. If neither the state nor local health departments have provided direction to contain the spread of a particular communicable disease, such as in the case of an emerging illness, employees shall implement control measures recommended by the CDC, the school nurse, or other relevant medical authority to the extent such measures are not inconsistent with this

policy or another board policy addressing control measures. Any employee suffering from a communicable disease or condition is required to follow all control measures given to him or her by the health director ~~and take all necessary precautions to prevent the transmission of the disease or condition~~.

Any school system employee who has reason to believe that a fellow employee is not following safe practices, including the universal precautions, must report this failure to his or her principal or supervisor. Supervisory personnel shall report unsafe conduct to the health department when they have a reasonable concern that such conduct may cause or may have caused the spread of a communicable disease.

3. Cooperating with Health Officials

If the county health director notifies the superintendent or any other school system personnel that a school system employee with a communicable disease or condition may be posing a threat to the public health, these employees shall cooperate with the health director in eliminating the threat.

D. EMPLOYMENT STATUS OF EMPLOYEE

The board will follow all applicable state and federal laws and regulations and this policy in determining when an employee with a communicable disease or condition will be required to take leave from his or her position or otherwise be restricted from continuing his or her employment.

1. Requests to Alter Duties

Any employee may request that the superintendent or designee consider altering the employee's duties or other conditions of his or her employment if the employee:

a. believes that he or she is unable to continue to perform the regular duties of the position due to a communicable disease or condition; or

b. believes that he or she may risk transmitting the communicable disease to others by continuing to perform assigned duties.

The employee seeking alteration in the conditions of employment must apprise the superintendent or designee of his or her condition, submit medical documentation regarding such condition, suggest possible accommodations known to him or her, and cooperate in any ensuing discussion and evaluation regarding whether there are possible reasonable accommodations.

2. Interdisciplinary Committee

If the superintendent so requests, the employee must give the superintendent written

permission either to consult with appropriate medical personnel or to convene an interdisciplinary committee to receive medical information regarding the employee to the extent necessary to assist the superintendent in determining whether alternative employment opportunities reasonably can be provided to the affected employee. The committee may include appropriate school system personnel, appropriate medical personnel, including the employee's personal physician when possible, the health director or designee, and the employee.

3. Reasonable Accommodation Review

When addressing the issue of whether reasonable accommodation is possible, the superintendent shall determine:

a. to what degree the employee's presence in his or her current job exposes students or other employees to possible transmission of the disease; and/or

b. whether the employee is able to continue in his or her current position with reasonable modifications.

The superintendent shall consult with the health director if there is any question as to the employee's risk of transmission on the job. If the superintendent determines that a significant risk of transmission exists in the employee's current position or that the employee is no longer able to continue in his or her current position for health reasons, the superintendent shall decide whether alternative employment opportunities are reasonably available within the school system and follow appropriate board policies for implementing or recommending a transfer.

If the employee requesting accommodation refuses to consent to the release of information to medical personnel or an interdisciplinary committee appointed by the superintendent, his or her request for an accommodation may be denied until the employee agrees to allow the superintendent to consult with the necessary parties.

4. Confidentiality of Information

Information shared with the superintendent, medical personnel, or interdisciplinary committee personnel must be kept confidential and separate from other personnel file information and may be shared with other school employees only with the written permission of the employee as necessary to explore, design, or implement possible accommodations or as otherwise allowed by law.

Nothing in this policy is intended to grant or confer any employment rights beyond those existing by law or contract.

Legal References: Americans with Disabilities Act ~~of 1990~~, 42 U.S.C. 12101 *et seq.*, 29 C.F.R. pt. 1630; G.S. 130A, art. 6; 10A N.C.A.C. 41A .0101 *et seq.*

Cross References: Communicable Diseases – Students (policy 4230), Occupational Exposure to Bloodborne Pathogens (policy 7260)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009

The board believes that the appearance and the conduct of its faculty are of supreme importance in establishing a positive image for education in the community and for presenting a good example for students. Therefore, the board affirms its expectation that all personnel will be professionally, neatly, and appropriately attired for the work to be done. An employee's dress must not disrupt or distract from the educational process and must be in accordance with health and safety standards ~~and practices~~. The superintendent shall develop and communicate to employees guidelines for appropriate dress and appearance. Such guidelines (1) must be gender-neutral; (2) may authorize the principal or department supervisors to develop specific dress or appearance requirements for each school or department; (3) may authorize exemptions from the guidelines for employees performing specialized duties that require a different form of dress; and (4) must provide a process for offering reasonable accommodations when required by law.

~~Employee dress and appearance is important to the school system's climate and should be professional, and enhance rather than detract from that climate. Dress and appearance, including footwear should be appropriate, based on the following factors:~~

~~• The nature and environment of the work;~~
~~• Health and safety factors;~~
~~• The nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;~~
~~• The employee's interaction with students;~~
~~• The effect of inappropriate dress on school climate.~~

~~Based on these factors, the following guidelines are established:~~

~~1. It is expected that an employee's dress or appearance will not disrupt the educational process. Employees shall be clean, neat, and appropriately attired.~~

~~2. The dress and appearance of employees should be appropriate to the type of work performed, with reasonable accommodation when the nature of an employee's work is unique.~~

~~3. Uniform dress may be required for certain categories of employees such as food service and maintenance personnel.~~

~~The following are considered inappropriate for employees:~~

~~• Clothing which is revealing – bare midriffs, shirts with spaghetti straps, low cut necklines, shorts, or skirts that are shorter than knee length;~~
~~• Clothing which, by word or symbol, promotes alcoholic beverages, tobacco or the use of controlled substances or that contains profanity or nudity, depicts violence or is sexual in nature.~~
~~• Clothing which reveals undergarments;~~
~~• Jewelry affixed to the body other than to the ears;~~

~~• Body art which is disruptive or obscene;~~
~~• Clothing which is tattered or ragged;~~
~~• Clothing which disrupts or is provocative by being overly tight to the body;~~
~~• Blue denim pants or shorts, commonly known as "blue jeans".~~
~~• Any item of clothing that creates a disruption in the school environment or learning activities or that poses a threat to the safety and well- being of students or staff.~~

Administrative and supervisory personnel shall set a good example in personal appearance and good manners and shall encourage and expect employees to dress in accordance with the board's expectations. ~~The principal or supervisor may approve variations in employee dress for special situations such as field trips, spirit days, class or team days, workdays, (when there are no parent conferences or meetings involving the public) or for those individuals whose responsibilities may necessitate an alternate form of dress such as physical education teachers, vocational education instructors, coaches, and auxiliary personnel.~~ An employee's ~~immediate~~ supervisor will make an initial determination of whether an employee's dress or appearance is ~~a violation of guidelines~~ inappropriate. In making this determination, the supervisor will consider the following factors:

1. the nature of the work;

2. whether the dress is consistent with a professional environment;

3. health and safety factors;

4. the nature of the employee's public contact and the normal expectations of outside parties with whom the employee will work;

5. the employee's interaction with students;

6. the prevailing practices of other workers in similar jobs; and

7. any properly established guidelines for dress or appearance.

~~Reasonable accommodations shall be made by the appropriate supervisor for those employees who, because of a sincerely held religious belief or medical reason request a waiver of a particular part of this policy for dress or appearance.~~

~~An employee's immediate supervisor shall make an initial determination of whether an employee's dress or appearance is a violation of guidelines.~~ If the supervisor determines that the employee's dress or appearance ~~is inappropriate,~~ violates the established guidelines or is hazardous to the health or safety of the employee, fellow employees, or students, the supervisor shall counsel the employee regarding ~~appropriate~~ attire that is consistent with this policy and shall determine whether the employee is allowed to remain at work or must leave work to change his or her dress. Any failure to follow the supervisor's directive and/or blatant or repeated violations of this policy ~~may~~ will subject the employee to disciplinary action, up to~~,~~ and including~~,~~ dismissal.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*; *Bostock v. Clayton County*, 590 U.S. __, 140 S. Ct. 1731 (2020); G.S. 115C-36, -47

Cross References:

Adopted: October 13, 2008

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, 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 ~~and North Carolina Department of Public Instruction~~. 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.

~~For purposes of this policy, instructional personnel are considered to be teachers, athletic coaches, driving instructors, special education assistants, and any other employee whose principal function is to teach and instruct students in a class, a small group or an individual setting.~~

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. ~~A. ENTITLEMENT TO LEAVE~~ DEFINITIONS

~~The school district will grant unpaid leave for up to 12 weeks to employees who have been employed for at least 12 months and have worked at least 1,250 hours during the previous 12 month period for:~~

~~• the birth of a child of the employee and in order to care for the child;~~
~~• the placement of a child with the employee for adoption or foster care;~~
~~• taking care of the spouse, child or parent of the employee, if the spouse, child or parent has a serious health condition; or~~
~~• a serious health condition that makes the employee unable to perform the functions of the employee's position.~~

~~The 12 month period in which the 12 weeks of leave entitlement occurs will be from July 1 to June 30.~~

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. ~~B. STRUCTURE OF LEAVE~~ ELIGIBILITY

~~When leave is taken for the adoption or birth of a child, an employee may take leave only for a continuous period of time unless the board agrees to another arrangement. For a situation involving an employee's serious health condition or that of a family member, the employee may take leave continuously or on an intermittent or reduced leave schedule as is medically necessary.~~

~~Instructional personnel may be required to continue leave through the end of the school semester if any of the following conditions exist:~~

~~• the leave is beginning more than five weeks before the end of the term; the leave will last at least three weeks; and the employee will be returning to work in the last three weeks of the academic term;~~

~~• the leave is for a purpose other than the employee's own serious health condition; the leave would begin in the last five weeks of the term; and the employee would be returning to work during the last two weeks of the academic term; or~~

~~• the leave is for a purpose other than the employee's own serious health condition; the leave would begin in the last three weeks of the term; and the leave would last at least five days.~~

~~If instructional personnel are required 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.~~

~~In order to better accommodate an employee's need for intermittent or reduced leave for a serious health condition, the school district 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. If an instructional employee requests intermittent or reduced scheduled leave for more than 20 percent of the working days of the duration of the leave for the employee's or family member's serious health condition, the school district alternatively may require the employee to take continuous leave for up to the entire duration of the scheduled leave.~~

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. ~~C. DESIGNATION OF LEAVE AND EMPLOYEE NOTICE AND VERIFICATION REQUIREMENTS~~ QUALIFYING CONDITIONS

~~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 director of personnel. It is the responsibility of the director of personnel to ask any questions necessary of the employee in order to make a determination of whether the leave is FMLA-eligible. The director of personnel may require notice of the need and the reason for leave. The director of personnel's designation must be made within two business days of having obtained the information, unless there is a justifiable delay, such as waiting for documentation. Leave cannot be designated as FMLA-eligible, and therefore count towards the 12 weeks entitlement, after the employee has returned to work from the leave. An exception to this requirement can be made if the school district did not learn the reason for the absence until the employee's return to work or a preliminary designation was made while waiting for all relevant information. Leave may be designated as both FMLAeligible and as leave under the paid leave policy if paid leave has been substituted. Such leave would be counted towards the 12 weeks FMLA entitlement.~~

~~An employee must provide at least 30 days notice if the employee can anticipate the need for FMLA leave. If this is not possible, the notice will be given as soon as "practicable," taking into account all the facts and circumstances. If the employee does not provide 30 days notice, and there is no reasonable justification for the delay, the school district can deny the taking of FMLA leave until at least 30 days after the employee provides notice of the need for FMLA leave. If an instructional employee fails to give required notice for foreseeable leave for an intermittent or reduced leave schedule, the employee may be required to take leave continuously for the duration of the treatment or be temporarily~~

~~transferred to an alternative position for which the employee is qualified and that has the same benefits.~~

~~An employee requesting 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. Normally, employees also would be expected to discuss scheduling with their immediate supervisor prior to scheduling any medical treatment in order to accommodate the work schedule.~~

~~The school district may require employees to provide medical certification to confirm the employee's or the employee's family member's serious health condition. The information requested will be no more than that allowed by the FMLA and the Americans With Disabilities Act. Under certain circumstances, the director of personnel may request a second or third verification if there is reason to doubt the validity of the medical certification.~~

~~Before returning to work from FMLA leave for a serious health condition, the employee will be required to present a "fitness-for-duty" certificate which states that the employee is able to return to work, unless the employee took intermittent leave or took leave for a family member's serious health condition.~~

~~The school district 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 will be required to 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 employee may be required to report on his or her intent to return to work on a regular basis while on FMLA leave.~~

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~~. Exception: T~~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. ~~D.~~ SUBSTITUTION OF PAID LEAVE

~~Accrued vacation or personal leave will be substituted for any FMLA-eligible leave upon the request of the employee or the decision of the school district. Employees of the school district also may substitute paid sick leave, including extended sick leave for instructional personnel, or disability leave for FMLA-eligible leave in circumstances covered by board policy 7510 for paid sick and disability leave. If paid leave is substituted under circumstances which qualify as FMLA leave, the leave can be counted towards the 12 week entitlement of FMLA leave if designated as FMLA-eligible at the time leave is taken.~~

~~If paid leave is substituted for unpaid FMLA leave for continuous leave of 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 board policy 7510.~~

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 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. ~~E.~~ 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 ~~district~~ system, then ~~there is~~ the school system has no obligation to restore the employee to the same or an equivalent position.

~~Employees~~ An employee will be informed at the time leave is taken if ~~they are~~ he or she is considered ~~a~~ key employees 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 ~~rights~~ the right to health benefits for the full period in which he or she is eligible for FMLA leave.

O. ~~F.~~ CONTINUATION OF HEALTH BENEFITS

Health ~~benefits~~ 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. ~~This includes key employees who have been notified that they will not be restored to an equivalent position. The health care benefits will be the same as if the employee were continuing to work~~. Employees do not have the right to the accrual of earned benefits during ~~the~~ 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 ~~where~~ 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.

~~Health insurance premiums paid while an employee is on FMLA leave may be recovered if the employee does not return to work after leave, so long as the reason for not returning does not relate to a serious health condition or to circumstances beyond the employee's control.~~

P. ~~G.~~ 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 ~~where employees and applicants would find it readily accessible~~.

Q. ~~H.~~ RECORDKEEPING REQUIREMENT

The ~~personnel department will be responsible for maintaining~~ 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 ~~personnel department~~ 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.

~~Copies of employee notices, including general and specific notices, as well as any other documents describing employee benefits or policies and records of disputes between the school district and any employee regarding designation of FMLA leave will be maintained by the director of personnel for at least three years.~~

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

An employee will be eligible for all considerations of military leave in accordance with State Board of Education policy, the federal Uniformed Services Employment and Reemployment Rights Act (USERRA), and Article 16 of Chapter 127A of the North Carolina General Statutes.

Employees are encouraged to schedule short periods of required active duty during vacation periods so as not to interfere with regular duties of the individual's employment.

A. NOTICE AND DOCUMENTATION REQUIREMENTS

1. Employees must provide to the superintendent advance written or oral notice of any absences due to military obligations, except in cases of emergency assignment or other conditions that make notice impossible or unreasonable.

2. For leave periods exceeding 30 days, the employee must also either provide written documentation evidencing performance of military duty or identify the military command in order for the school system to verify the request.

B. SHORT-TERM MILITARY LEAVE WITH PAY

1. In accordance with State Board of Education policy, an employee who is a member of a reserve component of the U.S. Armed Forces may take up to 15 workdays of paid military leave for active duty training per federal fiscal year, which runs from October 1 through September 30. Members of the National Guard may take additional paid leave beyond these 15 days for special state activities when so authorized by the governor.

2. After an employee has used all of his or her paid military leave, the employee may choose to use any accumulated vacation leave, bonus leave, or comp time during the period of military service; however, no employee will be forced to use such paid leave during military service.

C. UNPAID MILITARY LEAVE FOR EXTENDED ACTIVE DUTY

1. Employees may take extended leaves of absence for state or federal military duty under honorable services status, for required training, or for special emergency management in accordance with state and federal law and State Board policy. Such leave is unpaid, except as described in paragraph C.2, below. The employee may use any available eligible paid leave prior to going on unpaid leave.

2. During periods of extended military leaves, which must not exceed five years cumulatively plus any period of additional service imposed by law, the employee will be paid the difference in military base pay and state salary, including non-performance-based bonuses, when the military pay is less than the state salary.

Differential pay will be paid from the same source of funds as the employee's public school salary. An employee may not receive differential pay while absent on any type of paid leave.

D. REINSTATEMENT FROM MILITARY LEAVE

1. If the individual applies for reinstatement following separation from military duty, his or her reemployment and related rights are governed by the provisions of the USERRA (for members of reserve components of the U.S. Armed Forces, including members of the North Carolina National Guard returning from active federal duty, from active state duty for a period of 14 days or more, and from active state duty in response to a national emergency or major disaster declared by the President) or Article 16 of G.S. 127A (for members of the North Carolina National Guard returning from all other active state duty).

2. Employees must meet all applicable state or federal deadlines for reporting back to work or applying for reinstatement.

3. Under certain circumstances, an employee may receive teaching experience credit and retirement credit for service in the military, in accordance with State Board regulations.

E. EXPLANATION OF BENEFITS

When an employee is determined to be eligible for unpaid military leave under this policy, the superintendent or designee shall provide the employee with an explanation of his or her rights and benefits, including those related to leave, salary increases, medical insurance options, retirement status, the possibility of differential pay, and reinstatement rights.

F. COMPLIANCE WITH OTHER REQUIREMENTS

The board will follow and apply all other applicable legal requirements when administering military leave under this policy.

Legal References: Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; G.S. 115C-47, -302.1(g), -302.1(g1); 127A art. 16; 16 N.C.A.C. 6C .0406; *North Carolina Public Schools Benefits and Employment Policy Manual*, §§ 9.6 – 10.4 (2008-2009)

Cross References: Leave (policy 7510)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009
Updated: January 15, 2010
Updated: December 4, 2017

Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the files. Employees will be provided with all procedural protections as provided by law.

The superintendent has overall responsibility for granting or denying access to personnel records consistent with this policy.

A. RECORDS MAINTAINED

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;

2. commendations for and complaints against the employee (see Section C);

3. written suggestions for corrections and improvements made by the administration;

4. certificates;

5. employee's standard test scores;

6. employee's academic records;

7. application forms;

8. any request to the State Board of Education to revoke the employee's teaching license; and

9. other pertinent records or reports.

B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY

The following employee information must be kept separate from the employee's general personnel information, in accordance with legal and/or board requirements.

1. Pre-Employment Information

   Letters of reference about an employee obtained before his or her employment and, for teachers, any other pre-employment information collected, must be filed separately from the employee's general personnel information and must not be made available to the employee.

2. Criminal Record Check

   Data from a criminal history check must be maintained in a locked, secure location separate from the employee's personnel file. The superintendent shall designate which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

   Employee medical information, including the following, must be kept in a separate confidential file and may be subject to special disclosure rules:

   a. health certificates (see policy 7120, Employee Health Certificate);

   b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);

   c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);

   d. medical information related to leave under the Family and Medical Leave Act (see policy 7520, Family and Medical Leave); and

   e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008.

4. Complaints/Reports of Harassment or Discrimination

   The superintendent or designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination must be kept confidential to the extent possible. Employees involved in the allegations will be identified only to individuals who need the information to investigate or resolve the matter, or to ensure that due process is provided to the accused employee (see policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law, 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 1726/4036/7237, Title IX Sexual Harassment Grievance Process, and 7232, Discrimination and Harassment in the Workplace).

   If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

C. PLACEMENT OF RECORDS IN PERSONNEL FILE

All evaluations, commendations, complaints, or suggestions for correction or improvement must be placed in the employee's central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person who made the evaluation, commendation, complaint, or suggestion;

2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated, or false information; and

3. the employee has received a copy of the evaluation, commendation, complaint, or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when a document should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints, or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the associate superintendent of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint, or suggestion, and any such denial or explanation will become part of his or her personnel file, provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated, or false information, or a letter of complaint when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then: (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career

employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term of his or her contract.

D. ACCESS TO PERSONNEL FILE

1. Every employee has the right to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days' notice is given to the human resources office.

2. The following persons may be permitted to access a personnel file without the consent of the employee about whom the file is maintained:

    a. school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action;

    b. members of the board of education, if the examination of the file relates to the duties and responsibilities of the board member;

    c. the board attorney;

    d. the superintendent and other supervisory personnel;

    e. the hearing officer in a demotion or dismissal procedure regarding the employee; and

    f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days' written notice will be given to the employee prior to such disclosure.

3. No other person may have access to a personnel file except under the following circumstances:

    a. when an employee gives written consent to the release of his or her records, which specifies the records to be released and to whom they are to be released;

    b. pursuant to a subpoena or court order;

    c. when the board has determined, and the superintendent has documented, that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board; or

d. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

4. Each request for consent to release records must be handled separately.

5. It is a criminal violation for an employee or board member to do either of the following:

a. knowingly, willfully, and with malice, permit any unauthorized person to have access to information contained in a personnel file; or

b. knowingly and willfully examine, remove, or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student must be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;

2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;

3. whether the teacher is teaching in the field of discipline of his or her certification; and

4. the qualifications of any paraprofessional providing services to the student.

F. PUBLIC INFORMATION

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public:

a. name;

b. age;

c. the date of original employment or appointment;

d. the terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession;

e. current position;

f. title;

g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);

h. the date and amount of each increase or decrease in salary with the board;

i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;

j. the date and general description of the reasons for each promotion with the board;

k. the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board, and if the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal; and

l. the office or station to which the employee is currently assigned.

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.

3. Volunteer records are not considered public records.

~~4. Unless an employee submits a written objection to the human resources office, the board also may make the following information available about each employee as part of an employee directory:~~

~~a. address;~~

~~b. telephone number;~~

~~c. photograph;~~

~~d. participation in officially recognized activities and sports; and~~

~~e. degrees and awards received.~~

~~5. Employees will be notified of their right to object before any such directory is compiled or revised.~~

4. Under no circumstances will the following be released pursuant to a public records request or as part of any employee directory:

   a. personal identifying information, as defined in policy 4705/7825, Confidentiality of Personal Identifying Information; or

   b. the name, address, or telephone number of a participant in the North Carolina Address Confidentiality Program.

G. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant, or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A); 34 C.F.R. 200.61; G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b) and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 N.C.A.C. 6C .0313

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records – Retention, Release, and Disposition (policy 5070/7350), Employee Health Certificate (policy 7120), Discrimination and Harassment in the Workplace (policy 7232), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: April 13, 2010
Updated: December 8, 2010
Updated: December 5, 2011
Updated: June 2, 2014
Updated: March 2, 2015
Updated: December 5, 2016
Updated: December 7, 2020

The board intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

A. FINANCIAL MANAGEMENT SYSTEMS AND INTERNAL CONTROLS

The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all terms and conditions of the awards as well as all requirements of the U.S. Constitution and federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") issued by the U.S. Office of Management and Budget ~~and Management~~ (except to the extent that an exception to the Uniform Guidance has been authorized by the relevant federal agency), and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

1. Allowability

   Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is incurred during the approved budget period and is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and

documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

3. Procurement

All purchases for property and services made using federal funds must be conducted in a manner providing full and open competition and in accordance with the Uniform Guidance, all other applicable federal, state, and local laws and regulations, ~~the Uniform Guidance,~~ and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320(c). School officials are encouraged to maximize the purchase and use of goods, products, and materials produced in the United States to the extent consistent with law.

Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, must be excluded from competing for such purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities. Contracts shall contain all provisions required by 2 C.F.R. Part 200.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and when applicable, verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

4. Conflict of Interest

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.

   A real or apparent conflict of interest exists when (1) the employee, board member, or agent of the school system, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this paragraph, "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. "Financial interest" 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.

   Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

b. No employee, board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract except that (1) a single unsolicited item with a nominal value ($50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of $100 or less in a 12-month period may be accepted. Violations of this rule are subject to disciplinary action.

5. Mandatory Disclosures

The superintendent shall disclose in writing to the federal awarding agency in a timely manner all violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The superintendent shall fully

address any such violations promptly and shall notify the board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

7. Accountability and Certifications

All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.

8. Monitoring and Reporting Performance

The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. Financial and ~~P~~performance reports, including reports of significant developments that arise between scheduled performance reporting dates~~,~~ and final closeout reports, must be submitted as required by federal or state authorities.

B. AUDITS AND CORRECTIVE ACTION

1. An annual independent audit will be conducted as provided in policy 8310, Annual Independent Audit. The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.

2. At the completion of the audit, the superintendent or designee shall prepare a summary schedule of prior audit findings and a corrective action plan to address any prior audit findings. The corrective action plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.

3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

C. TRAINING

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

D. OTHER APPLICABLE BOARD POLICIES

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:

1. Educational programs policies (policies in the 3000 series)
2. School nutrition services policies (policies in the 6200 series)
3. Purchasing policies (policies in the 6400 series)
4. Equipment, materials, and supplies policies (policies in the 6500 series)
5. Personnel policies (policies in the 7000 series)
6. Fiscal management policies (policies in the 8000 series)
7. Policies protecting the confidentiality of personally identifiable information and other sensitive information (policies in the 4000, 6000, and 7000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

E. REPORTING MISMANAGEMENT OF FEDERAL FUNDS

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition Against Retaliation.

Legal References: 2 C.F.R. Part 180; 2 C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Fiscal Management Standards (policy 8300)

Other ~~References~~ Resources: *Standards for Internal Control in the Federal Government ("The*

Green Book") (~~GAO~~U.S. Government Accountability Office), available at http://www.gao.gov/greenbook/overview; *Internal Control Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at ~~http://www.coso.org/ic.htm~~ https://www.coso.org/pages/ic.aspx; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at ~~https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf~~ https://www.whitehouse.gov/omb/office-federal-financial-management/

Adopted: June 6, 2016
Updated: December 3, 2018

The accounts of the school system and the individual schools will be audited as soon as possible after the close of each fiscal year by an independent, qualified auditor. The auditor will be selected by the board, and the terms and conditions will be specified in a written contract that complies with the requirements of 20 N.C.A.C. 03.0502(c). The auditor will report directly to the board.

The superintendent shall assist the board in providing for an annual independent audit that meets all requirements as provided by G.S. 115C-447 and any other relevant statute. All employees and agents of the school system having custody of public money or responsibility for keeping records of public financial or fiscal affairs shall produce all books and records requested by the auditor and provide any information relating to fiscal affairs requested by the auditor. Any employee who fails to cooperate may be subject to disciplinary action, up to and including dismissal, and also may be found guilty of criminal conduct.

The board will receive the report and opinion of the auditor and will arrange for the auditor to present to the board the audited financial statements, compliance reports, if any, and other information as specified in the audit contract. The presentation must be in an official meeting in open session, held as soon as the audited financial statements are available but not later than 45 days after the submission of the audit report to the Secretary of the Local Government Commission.

If required by 20 N.C.A.C. 03.0508, the board will submit a "Response to the Auditor's Findings, Recommendations, and Fiscal Matters" to the Secretary of the Local Government Commission pursuant to that rule within 60 days of the auditor's presentation to the board.

Legal References: G.S. 115C-447; 20 N.C.A.C. 03.0502, 03.0508

Cross References: Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: May 1, 2000
Updated: August 3, 2009
Updated: June 7, 2021

A. PRINCIPLES

The board strives to provide safe, orderly, and inviting schools for students and staff. The board also strives to provide other facilities needed to support the educational program. Long-range planning by the board and superintendent is essential for providing an educational environment that offers students the opportunity to receive a sound basic education and that supports student success.

B. LONG-RANGE PLAN

The board will adopt a long-range plan that identifies the facility needs of the school system and sets forth a plan for how to meet these needs. The plan will address the issue of whether to renovate existing facilities or build new facilities. The plan also will incorporate, where appropriate, creative options for meeting the needs of the educational program, such as expansion or reduction through modular construction, future alternative uses of space, the availability of community facilities, the use of temporary facilities or leasing arrangements, opportunities for capital lease financing of facilities through public/private partnerships, and sharing facilities with other school systems.'

C. PROCESS

The following information will be considered in developing and adopting a long-range plan:

1. data that reflect the possibility of enrollment declines or increases as well as other demographic changes in the population of students that is or may be served;

2. a facilities inventory that includes the size of sites, building capacities, age of buildings, energy consumption, ability to utilize technology, the suitability of the space for its current or future purpose, and accessibility by the community; and

3. the availability or anticipated availability of innovations in construction or design that would allow existing buildings to be renovated or new facilities to be constructed at a lower cost, in a more energy-efficient manner, or in a way that would better meet the needs of the educational program.

The superintendent may utilize the services of consultants to obtain information necessary for the long-range planning process. ~~All professional contracts must be approved by the board~~. School staffs, students, and parents should be involved in considering the needs for new and renovated facilities.

The board will work with the board of county commissioners when possible in developing a five-year capital outlay plan. The board and superintendent will endeavor to

communicate with other governmental bodies and the public in a positive and persuasive manner about the need for school construction and, consequently, the need for necessary funding.

Legal References: G.S. 115C-47, -204, -276, -426.2, -521, -524, -530; 143-128.1C(l), -129; 153A-164; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010)

Adopted: January 11, 2016

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- Policy 7510 – Leave
- Policy 7520 – Family and Medical Leave
- Policy 7530 – Military Leave
- Policy 7820 – Personnel Files
- Policy 8305 – Federal Grant Administration
- Policy 8310 – Annual Independent Audit
- Policy 9000 – Planning to Address Facility Needs