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TO: Board of Education

FROM: Tracy Grit

DATE: May 3, 2021

SUBJ: Agenda Items – Policies for First Read

Attached you will find proposed Policy Codes for your consideration.

- Policy 1510/4200/7270 – School Safety
- Policy 1610/7800 – Professional and Staff Development
- Policy 1710/4020/7230 – Discrimination and Harassment Prohibited by Federal Law
- Policy 2440 – Policy Review and Evaluation
- Policy 2610 – Board Attorney
- Policy 3300 – School Calendar and Time for Learning
- Policy 3460 – Graduation Requirements
- Policy 3610 – Counseling Program
- Policy 3620 – Extracurricular Activities and Student Organizations
- Policy 4040/7310 – Staff-Student Relations
- Policy 4125 – Homeless Students
- Policy 4240/7312 – Child Abuse and Related Threats to Child Safety
- Policy 4335 – Criminal Behavior
- Policy 4400 – Attendance
- Policy 5000 – Schools and the Community
- Policy 6120 – Student Health Services
- Policy 6125 – Administering Medicines to Students
- Policy 6320 – Use of Student Transportation Services
- Policy 7232 – Discrimination and Harassment in the Workplace
- Policy 7510 – Leave
- Policy 7720 – Employee Political Activities
- Policy 8310 – Annual Independent Audit
- Policy 8341 – Limited Claim Settlement

Overview

There are 48 Policies in this update. This includes 23 policies with substantive updates and 25 with only minor changes, many of which are technical updates. One policy reflects an impending critical deadline and is noted in the documentation here. There are no new policies.

Critical Deadline (Policy associated are noted with *)

Last year the General Assembly ratified Session Law 2020-7 which requires LEAs to adopt and implement a school-based mental health plan that includes a mental health training program and a suicide risk referral protocol. This plan must incorporate the requirements of State Board of Education Policy SHLT-003 and must be in place no later than July 1, 2021. Under the leadership of Dr. Jack Cagle, Montgomery County Schools Student Services Division developed a plan, meeting all of the requirements of the updated policies. Dr. Cagle will unveil the plan for approval during June 7, 2021, open session of the Montgomery County Schools Board of Education Meeting, ensuring the district will meet the July 1, 2021 deadline.

Policy on for initial reading

1510/4200/7270 School Safety (Recommended by the North Carolina School Boards Association)

> Minor revision to include the following language under section (C) Safety of School Buildings and Grounds
>
> Add (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.)

*****1610/7800 Professional and Staff Development * (Required by the North Carolina School Boards Association)

> Adds the requirement that the school system provides a mental health training program.

1710/4020/7230 Discrimination and harassment Prohibited by Federal Law (Required by the North Carolina School Boards Association)

> Adds age discrimination.

2440 Policy Review and Evaluation (Recommended by the North Carolina School Boards Association)

Adds flexibility for the Superintendent to add minor changes to correct typographical, and grammatical, or clerical errors to the policy as needed.

Example: Recently, we inadvertently left off the local portion of a previously approved revision in the graduation policy. To add it back, it came before the board in a first reading, and the following month it was approved. Policy 2440, with Dr. Ellis's approval and notification to the board, allows the error to be corrected without two board meetings.

2610 Board Attorney(Optional by the North Carolina School Boards Association)

Adds circumstance under which staff may consult with the board attorney.

3300 School Calendar and Time for Learning (Recommended by the North Carolina School Boards Association)

It follows the rules of the G.S. 115c-84.2 on school calendars and adds the need for the board to approve the length of the school day, more specifically, the instructional time.

3460 Graduation Requirement (Required by the North Carolina School Boards Association)

Policy 3460 will show updated graduation charts based on the Occupational Course of Study hourly requirements for internships. The policy also updates the 2021-2022 chart to include (4 English Classes), (4 Mathematics Classes) (3 Science Classes) (4 Social Studies Classes), (1 Health and P.E.), and (6 Electives) for a total of 22. Additionally, our local requirement of Carrer Management is listed as one of the six electives and is required by MCS.

***** 3610 Counseling Program (Required by the North Carolina School Boards Association)

In this policy, the language has been updated to reflect better the counseling program's current structure and goals, including parental involvement, academic advising, and employee mandatory reporting needs.

3620 Extracurricular Activities and Student Organizations (Recommended by the North Carolina School Boards Association)

In this policy, the language is slightly changed from (has exceeded the number of absences allowed by policy) to (failed to meet any applicable attendant requirements).

4040/7310 Staff-Student Relations (Required by the North Carolina School Boards Association)

In this policy, the G.S 115C-270.35(b) requires the district to report any physical or sexual abuse of a child by an employee to the State Superintendent of Schools within five working days of the incident, and it includes the automatic revocation of the employee's license.

4125 Homeless Student (Required by the North Carolina School Boards Association)

This policy update describes the process for parents wishing for their child not to be listed as Homeless under the McKinney Vento Act. If the dispute is not resolved with the Homeless Liaison, it moves to the Superintendent, School Board, and finally to the State Level.

4240/7312 Child Abuse and Related Threats to Child Safety (Required by the North Carolina School Boards Association)

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

4335 Criminal Behavior (Required by the North Carolina School Boards Association)

In this policy, a very slight language update from the State Board of Education to The Department of Public Instruction can be seen on Page 2 of 2.

4400 Attendance (Recommended and Strongly Recommended by the North Carolina School Boards Association)

In the Attendance Policy, nearly every section has an addition or change, but overall, the policy continues to follow the General Statutes for attendance. Updates to virtual attendance, in anticipation of additional virtual participation in 2022, Tardies and early dismissals are described in greater detail, minor changes to excused absences and school-related activities, the addition of section (E) explains the rights of a student to make up work, defined unexcused absence, an update to chronic absenteeism, and finally in section (H) an update on special circumstances.

5000 Schools and The Community (Recommended by the North Carolina School Boards Association)

In this policy revision, existing policies, Responding to Parent Complaints (policy 1742/5060), and Public Participation at Board Meetings (policy 2310) have been added to the list of policies that align with a broader policy 5000 Schools and the Community.

*6120 Student Health Services (Required by the North Carolina School Boards Association)

In this policy update, a new section was added to include the School System Mental Health Plan. The plan will be presented to the Montgomery County School Board during the June meeting. Following the initial approval of the mental health plan, each LEA will be required to submit annually by September 15 an updated plan.

6125 Administering Medicines to Students (Strongly Recommended by the North Carolina School Boards Association)

The updates for policy 6125 include new language for nurses or designees administering a medication that contains specifics for correct bottles for storage, dose, frequency of medication, route of administration, the number of doses in the container, and the expiration date. The other updates include new language on student self-administered medicines.

6320 Use of Student Transportation Services ((Required by the North Carolina School Boards Association)

Policy 6320 adds the requirement of administering safety training on activity buses and commercial buses. This is the exact requirement for the yellow bus.

7232 Discrimination and harassment in the Workplace (Strongly Recommended by the North Carolina School Boards Association)

The addition of including pregnancy, childbirth, sexual orientation, and gender identity is added to the language throughout the policy.

7510 Leave ((Recommended by the North Carolina School Boards Association)

In policy 7510, the language includes updated COVID-19 leave based on CDC guidance, and it is recommended to remain in effect as long as the CDC guidance remains in effect.

7720 Employee Political Activities ((Required by the North Carolina School Boards Association)

Updates to the Employee Political Activities are primarily in the wording and definition of Employee or Volunteer. The policy also adds stronger language around presenting curriculum without engaging students on personal political views of the employee or volunteer.

8310 Annual Independent Audit ((Strongly Recommended by the North Carolina School Boards Association)

Policy 8310 addition includes, "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 no later than 45 days after the submission of the audit report to the Secretary of the Local Government Commission."

8341 Limited Claim Settlement ((Required by the North Carolina School Boards Association)

Policy 8341 updates the Settlement portion of the policy. The new language urges the board to be consistent from claim to claim but to hear the claim individually.

Additionally, ten criteria have been added to the policy to help the board determine the outcome of the claim.

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 enforce the requirements of the North Carolina Department of Health and Human Services (DHHS) 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 DHHS requirements. These temporary requirements 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~~ies SSCH-000,~~ 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

Adopted: March 6, 2000
Updated: July 1, 2009
Updated: August 2, 2010
Updated: January 19, 2011
Updated: July 12, 2011
Updated: December 6, 2011
Updated: January 14, 2013
Updated: December 9, 2013
Updated: January 11, 2016
Updated: December 14, 2017
Updated: December 3, 2018
Updated: December 7, 2020

The board believes a strong relationship exists between the quality of education provided to students and the competency and training of all personnel employed by the school system. The board places a high priority on securing the most competent personnel available and, once they are employed, providing them with opportunities for professional growth and development throughout their careers. The goal of professional and staff development programs and opportunities for licensed professional employees and support staff is to improve the instructional program and create a safe learning environment for all students by improving and expanding the skills of the professional staff and support personnel.

A. PROFESSIONAL AND STAFF DEVELOPMENT

The superintendent shall provide ongoing development opportunities for licensed and support staff and shall require participation by such personnel as appropriate. The superintendent shall seek input from employees when developing system-wide programs. The principal shall seek input from school personnel when planning professional and staff development programs for his or her school.

Professional and staff development shall include all topics required by law or board policy, including but not limited to: (1) the effective delivery of the required curriculum as required by G.S. 115C-81.45(d) and -81.20(f); (2) a program of technology-related professional development as required by policy 3220, Technology in the Educational Program; and (3) a mental health training program, which includes all components ~~in even numbered years, a two-hour child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals in grades K-12, as~~ required by G.S. 115C-375.20, G.S. 115C-376.5(d), and State Board of Education Policy SHLT-003 (see policies 4240/7312, Child Abuse and Related Threats to Child Safety, and 6120, Student Health Services).

B. SELF-IMPROVEMENT

Licensed employees are expected to engage in self-directed activities to improve their professional skills. These employees are encouraged to seek information and training through professional development programs as well as other opportunities in order to meet this responsibility.

C. PLANS FOR GROWTH AND IMPROVEMENT

Supervisors and principals also may require licensed employees to enter into plans, including mandatory improvement plans established by state law and individual, monitored and/or directed growth plans established by the State Board of Education, for professional growth and improving performance. (See policy 7811, Plans for Growth and Improvement of Licensed Employees.) A performance improvement plan could involve participation in a professional development program or encompass a variety of strategies that are related

to professional growth or improving performance.

D. PAYMENT OF COSTS

The school system will consider paying reasonable costs, within budget limits, for any courses, workshops, seminars, conferences, in-service training sessions, or other sessions an employee is required to attend by the local administration. The employee must seek prior approval for payments.

The school system will not bear the responsibility of the cost of training taken solely for the purposes of licensure renewal.

Legal References: Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-81.20(f), -81.45(d), -333, -333.1, -375.20, -376.5(d); State Board of Education Policies~~y~~ EVAL-004, SHLT-003

Cross References: Technology in the Educational Program (policy 3220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Health Services (policy 6120), Plans for Growth and Improvement of Licensed Employees (policy 7811)

Adopted: March 6, 2000

Adopted Retired Teacher Technology Waiver: August 31, 2000

Updated: August 4, 2003
Updated: November 4, 2010
Updated: December 5, 2011
Updated: January 14, 2013
Updated: June 1, 2015
Updated: July 6, 2020

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (~~over~~ 40 or older), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

- Discrimination and harassment in employment is addressed in policy 7232, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.

- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they

may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 7232, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. PROHIBITED BEHAVIOR

Students, school system employees, volunteers, and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination and harassment as defined below by students, employees, board members, volunteers, or visitors. "Visitors" includes parents and other family members and individuals from the community, as well as vendors, contractors, and other persons doing business with or performing services for the school system.

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

   Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

   Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference

with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

This policy applies to behavior that takes place: (1) in any school building or on any school premises before, during, or after school hours; (2) on any bus or other vehicle as part of any school activity; (3) at any bus stop; (4) during any school-sponsored activity or extracurricular activity; (5) at any time or place when the individual is subject to the authority of school personnel; or (6) at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.

This policy will not be construed to allow school officials to punish student expression or speech based on undifferentiated fear or apprehension of a disturbance or out of a desire to avoid the discomfort and unpleasantness that may accompany an unpopular viewpoint.

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

    a. the principal or assistant principal of the school at which either the alleged victim or alleged perpetrator attends or is employed;

    b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or

    c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

    If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

    A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 7232, Discrimination and Harassment in the Workplace.

    A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

    Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231,

Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated policy 4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

i. reasonable, timely, age-appropriate corrective action intended to end the discrimination or harassment and prevent it from recurring;

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

2. Student victims may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. RECORDS

The superintendent or designee shall maintain confidential records of complaints or reports of discrimination or harassment. The records must identify the names of all individuals accused of such offenses and the resolution of such complaints or reports. The superintendent also shall maintain records of training conducted and corrective action(s) or other steps taken by the school system to provide an environment free of discrimination and harassment.

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: Ms. JaMese Black
Office Address: 441 Page Street, Troy, NC 27371
Email Address: jamese.black@montgomery.k12.nc.us
Phone Number: (910) 576-6511

b. The ADA Coordinator is: Mr. Tracy Grit
Office Address: 441 Page Street, Troy, NC 27371
Email Address: tracy.grit@montgomery.k12.nc.us
Phone Number: (910) 576-6511

c. The Age Discrimination Coordinator is: Mr. Tracy Grit
Office Address: 441 Page Street, Troy, NC 27371
Email Address: tracy.grit@montgomery.k12.nc.us
Phone Number: (910) 576-6511

d. The Coordinator for Other Non-discrimination Laws is: Mr. Tracy Grit
Office Address: 441 Page Street, Troy, NC 27371
Email Address: tracy.grit@montgomery.k12.nc.us
Phone Number: (910) 576-6511

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 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; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available at https://www2.ed.gov/about/offices/list/ocr/docs/race394.html; *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter* (Harassment and Bullying), U.S. Department of Education, Office for Civil Rights (2010), available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107 ~~State Board of Education Policy SSCH 000~~; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook

Cross References: 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), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Discrimination and Harassment in the Workplace (policy 7232)

Adopted: December 7, 2020

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

The superintendent has the authority to make to any existing policies technical and conforming changes necessitated by changes in state and federal law and minor changes to correct typographical, grammatical, or clerical errors. Such changes are effective immediately subject to ratification by the board at its next regular meeting.

The superintendent is responsible for the dissemination of updated, revised, and newly adopted policies to all holders of policy manuals and for recalling all manuals if necessary for updating or recodification.

Legal References: G.S. 115C-36

Cross References: Adoption of Policies (policy 2420)

Adopted: March 6, 2000

As needed, the board will enter into contracts for legal service to the school system, including both legal advice and representation in litigation. Any attorney retained by the board or the superintendent through school system funds represents the legal entity of the school system and not any individual board member or administrator.

The superintendent may consult with the board attorney as needed to carry out administrative operations and to protect the board and school system from liability. Other staff may consult with the board attorney only ~~following procedures established by~~ with prior approval from the superintendent or designee or as otherwise may be provided by procedures established by the superintendent. The board attorney shall be responsible for and authorized to address and resolve criminal bail bond and vehicle forfeiture matters in district and superior court.

The chairperson of the board normally will decide for board members when to seek legal advice or assistance on school matters. If an individual member of the board desires to consult directly with the attorney, the board member must notify the chairperson of the legal information to be sought. If it is determined that legal assistance is necessary and has not been sought previously for this matter, the board member will be directed to consult individually with the attorney. Questions raised by members of the board and the attorney's replies will be reported to all board members. The chairperson of a board committee may consult with the board attorney on issues that arise out of and in connection with the committee's work. The inquiry and response will be reported to all board members.

Legal References: G.S. 15A-544.5, -544.8; 115C-36

Cross References:

Adopted: March 6, 2000
Updated: June 1, 2015

The board believes that time is a variable in the educational process and that students may need different amounts of instructional time in order to fulfill the educational goals and objectives of the board. The board also recognizes that the school day and school year should be planned in such a manner as to facilitate student learning and to permit an accurate assessment of student achievement in scheduled testing periods.

~~**Opening and Closing Dates and School Calendar for 2020-2021 School Year**~~

~~For the 2020-2021 school year, the school system will follow the school calendar requirements set forth in section 2.11.(b) of Session Law 2020-3, as amended by section 3.(b) of Session Law 2020-49.~~

A. INSTRUCTIONAL TIME

The board will approve the length of the school day, which may vary from school to school. The "instructional" day includes only those hours a student is assigned to a teacher for the primary purpose of instruction. Breaks in the instructional day for changing classes, homeroom, lunch, pep rallies, and similar non-instructional activities are not part of the instructional day and are not considered instructional hours.

Interruptions of instructional time and time off task must be kept to a minimum. The principal is responsible for ensuring that instructional time is maintained and protected in the school schedule. Each teacher is responsible for ensuring optimal use of instructional time in his or her classes. School personnel are encouraged to seek creative means of reducing transitional time and scheduling non-instructional activities. A proposal for alternative scheduling of classes or other such strategies may be a part of a school improvement plan.

~~B. SCHOOL DAY~~

~~The length of the school day may vary from school to school if approved by the board of education. The "instructional" day includes only those hours a student is assigned to a teacher for the primary purpose of instruction. Breaks in the instructional day for changing classes, homeroom, lunch, pep rallies, and similar non-instructional activities are not part of the instructional day and may not be counted towards the minimum instructional hours requirement established in Section D, below.~~

~~C.~~B. School Calendar ~~Opening and Closing Dates~~

The school board will establish a school calendar that is consistent with the requirements of G.S. 115C-84.2 and any other applicable legal requirements. ~~Except for year-round~~

~~schools or schools operating under a modified calendar, the opening date for students will be no earlier than the Monday closest to August 26, and the closing date for students will be no later than the Friday closest to June 11.~~

The ~~school~~ board may offer supplemental or additional educational programs or activities outside the adopted school calendar.

1. Waiver of Opening or Closing Dates

Upon a showing of good cause, as defined by G.S. 115C-84.2(d), the board ~~will~~ may seek a waiver of the opening date from the State Board of Education.

The board will revise the closing date only if necessary to comply with the minimum requirements for instructional days or instructional time.

~~D. SCHOOL CALENDAR~~

~~The school calendar in all schools will be for 215 days and will provide for a minimum of 185 days or 1025 hours of instruction covering at least nine months. A school "month" is defined as 20 days of instruction. If school is closed early due to inclement weather, the day and the number of instructional hours originally scheduled may count towards the required minimum number of instructional days or hours. As funding permits, the board may pursue increasing the number of instructional hours or days, at least for those students who need more time to learn the curriculum.~~

2. Converting to a Year-Round Calendar

The board may initiate or review recommendations from the superintendent or a school improvement team for modifying ~~the~~ a school's traditional school calendar to a year-round calendar. The superintendent and individual schools are encouraged to obtain input from teachers and other personnel as well as from the community in developing proposals for modifying the school calendar to year-round. A year-round school may be included as a part of a school improvement plan.

~~Any calendar adopted by the board will be consistent with the following requirements.~~

~~1. The calendar will consist of 215 days and shall meet state requirements for the minimum instructional days and/or the minimum instructional hours.~~

~~2. At least 10 of the days on the calendar will be designated as annual vacation leave days.~~

~~3. The calendar will include the same or an equivalent number of legal holidays as~~

~~those designated by the State Human Resources Commission for State employees, including Veteran's Day if it falls on a weekday.~~

~~4. School will not be scheduled on Sundays.~~

~~5. The total number of workdays for teachers employed for a 10-month term will not exceed 195 days.~~

~~6. The calendar will designate "instructional" days, when students must be present.~~

~~7. The remaining days will be scheduled by the board, in consultation with school principals, as "flexible" days, for use as teacher workdays, additional instructional days or other lawful purposes. Before scheduling these "flexible" days, each principal shall work with the school improvement team to determine the days to be scheduled and the purposes for which they should be scheduled.~~

~~8. Of the "flexible" days described in subsection D.7, the board will designate at leasttwo days as protected days on which teachers may take accumulated vacation leave. All other "flexible" days may be designated as days on which teachers may take accumulated leave, but the board will give teachers at least 14 calendar days' notice before requiring a teacher to work instead of taking vacation leave on any of these days. A teacher may elect to waive this notice requirement for one or more of these days.~~

~~9. The board may, due to school closings because of inclement weather or other reasons, use any of the "flexible" days designated in subsection D.7 above as makeup days for those instructional days that were missed. If necessary, these make-up days may be scheduled after the last day of student attendance. If either of the two protected days described in subsection D.8 above are scheduled as a make-up day, teachers may take accumulated vacation leave on the make-up day and will not be required to work.~~

~~10. If the school calendar requires students to attend on Memorial Day, each principal shall ensure that students are instructed on the significance of Memorial Day on that day. If students are not scheduled to attend school on Memorial Day, instruction on the significance of Memorial Day will be provided at another time.~~

~~11. If the school calendar requires students to attend school on September 17, which is Constitution Day and Citizenship Day, each principal shall ensure that an educational program about the United States Constitution is held in the school on that day. If students are not required to attend school on September 17, the principal shall ensure that such a program is held during the week preceding or following Constitution Day and Citizenship Day.~~

~~12. The month of November shall be designated "Veterans' History Awareness Month."~~

Legal References: P.L. 108-447, div. J, title I, sec. 111 (codified as a statutory note to 36 U.S.C. 106(d)); G.S. 115C-12(33), -36, -47, -84.2, -105.21(b)(2), -238.31, -288; State Board of Education Policy BEPL-001; *North Carolina Public Schools Benefits and Employment Policy Manual* (most current version), North Carolina Department of Public Instruction, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/district-human-capital/employee-policy

Cross References: Goals and Objectives of the Educational Program (policy 3000), School Improvement Plan (policy 3430), Citizenship and Character Education (policy 3530)

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: December 5, 2011
Updated: January 14, 2013
Updated: June 1, 2015
Updated: December 4, 2017
Updated: July 6, 2020
Updated: December 7, 2020

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. ~~Guidance~~ 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 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 ~~guidance~~ 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://www.dpi.nc.gov/documents/curriculum/mathematics/scos/nc-mathematics-

~~graduationrequirement options charts.~~ † 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. See SBE Policy 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. ~~https://www.dpi.nc.gov/documents/curriculum/mathematics/scos/nc-mathematics-graduationrequirement-options-charts.~~

† 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. See SBE Policy 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. See SBE Policy 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 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. ~~Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment.~~

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 ~~I, II, III, and IV, which require 150 hours of school-based training, 225 hours of community-based training, and 225 hours of paid employment*)~~	
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. ~~Paid employment is the expectation; however, when paid employment is not available, 225 hours of unpaid vocational training, unpaid internship experience, paid employment at community rehabilitation facilities, and volunteer and/or community service hours may substitute for 225 hours of paid employment.~~

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.

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)

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Guidance and counseling programs are provided by the school system with the ultimate aim of improving student performance by implementing strategies and activities that support and maximize student learning; helping students to grow in their personal and social development; and providing a foundation for acquiring the skills that enable students to graduate career and college ready and prepared to be lifelong learners ~~make a successful transition from school to the world of work~~. The principal of each school shall develop a counseling program that is data-driven and meets the objectives of the State Board of Education's comprehensive school counseling program curriculum and the academic, career, and social/emotional developmental needs of the student population at that school. The program will include individual and group counseling, classroom presentations, academic advising, career development services, consultation, parent education, and other responsive services.

In addition, the counseling program will incorporate the following specific elements.

~~School guidance counselors and other guiding adults in middle and high schools shall provide guidance and information to students about high school course selections and requirements prior to ninth grade, in order to inform them about the requirements for college entry, including accelerated preparation for college entry. Guidance counselors shall encourage ninth grade students to complete these requirements in less than four years if feasible and appropriate.~~

A. INVOLVEMENT OF PARENTS AND OTHERS

The counseling program is the shared responsibility of teachers, counselors, parents, and community members, and should operate with the collaboration of all individuals involved in educating students, including those who assist children with special needs or students who are at risk of dropping out of school or not meeting performance expectations. Input from parents and students should be sought in accordance with the school's parental involvement plan ~~for involvement of the community in school programs~~. (See policy 1310/4002, Parental Involvement.)

Each year, the principal or designee shall inform parents of the guidance and counseling services available to students. Parents will be notified of the right to opt their students out of participation in certain group academic or career guidance or personal or social counseling services of a generic nature ~~All school personnel must follow the Parental Involvement Plan~~ (see policy 1310/4002) ~~in regard to parental notification and permission for counseling programs. In addition, school personnel shall annually provide all students in Grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500~~.

B. PROVISION OF COUNSELING SERVICES

Counseling services may be provided on an individual basis or in small or large groups. ~~School counselors may refer students who have extensive needs or needs that go beyond the purpose of the counseling program to community resources.~~

Students may seek counseling or be referred by staff or parents. School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system administrators. If students have extensive needs or needs that go beyond the purpose of the counseling program, school counselors may refer them to community resources. ~~Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal. Any counselor or other staff member who knows or has cause to suspect child abuse, neglect, dependency, or death as a result of maltreatment must report the information as provided in policy 4240/7312, Child Abuse and Related Threats to Child Safety and as required by law.~~

Counseling programs are most effective when voluntarily entered into by a student. ~~School officials and teachers may recommend a counseling program to help a student meet standards of conduct and academic performance established by the board and school system. However, s~~Students will not be required to attend individual or small group counseling sessions to address identified significant personal issues unless agreement has been reached with the parent and student in a behavior contract, an intervention plan, or, for special education students, an individualized education plan. (See Student Behavior Policies (4300 series), policy 3420, Student Promotion and Accountability, and policy 3520, Special Education Programs/Rights of Students with Disabilities.)

C. ACADEMIC ADVISING

School counselors and other guiding adults in middle and high schools shall support equitable access to opportunities and rigorous and relevant curricula for all students. Prior to the ninth grade, students will be informed about the course requirements for regular and accelerated college entry. School counselors shall encourage ninth grade students to complete the requirements for college entry in less than four years, if feasible and appropriate.

D. NOTIFICATION OF SAFE SURRENDER LAW

School personnel shall annually provide all students in grades 9 through 12 with information on the manner in which a parent may lawfully abandon a newborn baby with a responsible person, in accordance with G.S. 7B-500.

E. EMPLOYEE MANDATORY REPORTING

Any staff member who is aware that a student is contemplating suicide or is otherwise suffering from an emotional or psychological crisis must immediately notify the counseling program in accordance with any rules established by the superintendent or principal.

Any counselor or other staff member who knows or has cause to suspect maltreatment of a child must report the information as provided in policy 4240/7312, Child Abuse and Related Threats to Child Safety, and as required by law.

F. CONFIDENTIALITY

Information obtained in a session with a counselor may be privileged and protected from disclosure as provided by law. A counselor cannot be required to testify concerning privileged information unless, as provided by G.S. 8-53.4, the student waives the privilege or the court compels testimony as necessary to the proper administration of justice. The school counselor privilege does not, however, exempt the counselor from reporting child abuse as required by law and policy 4240/7312. ~~G.S. 7B-301~~

Any notation made by a counselor for his or her own use is a confidential document and is neither a public record nor a part of the student's record. Such confidential documents do not have to be shared with parents or others except as required by law. Any document prepared by a counselor that is shared or intended to be shared with other staff is considered an educational record of the student and is available to the parent or eligible student in accordance with policy 4700, Student Records.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-301, -500; 8-53.4; 110-105.4; 115C-12, -47, -400, -401; State Board of Education Policies GRAD-006, SCOS-011

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Special Education Programs/Rights of Students with Disabilities (policy 3520), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Student Records (policy 4700)

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The board recognizes the value of interscholastic athletics and extracurricular activities in promoting leadership and team skills, practicing democratic principles, and encouraging the lifelong learning process. Students are encouraged to participate in opportunities available at the school, including interscholastic athletics and student organizations. All activities are open to all students attending that school unless a restriction is justified and has been approved by the principal. The principal shall ensure that students and parents are notified of the various opportunities for participation in extracurricular activities and shall establish rules, as necessary, to govern such activities.

A. REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior standards established by the board, the superintendent, ~~and~~ or the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has ~~exceeded the number of absences allowed by policy 4400, Attendance~~ failed to meet any applicable attendance requirements; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. School administrators choosing to exercise this authority to restrict participation shall provide this policy and any additional rules, including attendance requirements, developed by the superintendent or the principal to all parents, guardians, and students.

B. ADDITIONAL RULES FOR SPECIFIC ACTIVITIES

1. Interscholastic Athletics

In addition to meeting the general requirements listed above, to be eligible for interscholastic athletics participation, students must have been in daily attendance 85 percent of the previous semester and must meet all applicable eligibility standards of the North Carolina High School Athletic Association, the North Carolina Department of Public Instruction, and any locally established requirements for interscholastic athletics participation.

Students in the sixth grade are eligible to participate in all interscholastic athletics except football**.**

A student participating in high school interscholastic athletics may participate only on the team consistent with the gender on the student's birth certificate unless otherwise permitted under North Carolina High School Athletic Association rules and regulations.

2. Student-Initiated, Noncurriculum-Related Student Groups at the Secondary Level

Student-initiated, noncurriculum-related, secondary school student groups will be permitted to conduct voluntary meetings on school grounds during noninstructional time, regardless of the size of the group or the religious, political, philosophical, or other content of the speech at the meetings, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school. The principal shall establish viewpoint neutral rules governing such meetings, including restrictions on when and where meetings may occur.

School employees may not promote, lead, or participate in student-initiated meetings but may be present at meetings to maintain order and discipline, to protect the well-being of the students and faculty, and to assure that attendance of students at the meetings is voluntary. School employees may not influence the form or content of any prayer or other religious activity or require any person to participate in prayer or other religious activity. In addition, non-school persons may not direct, conduct, control, or regularly attend the activities of the groups.

No public funds will be expended on behalf of the student-initiated, noncurriculum-related student groups except for the incidental cost of providing space for the group meetings.

Student-initiated, noncurriculum-related groups will have the same access to communication channels for publicizing their meetings as is allowed to all other noncurriculum-related student groups. However, school officials may indicate in such communications that the meetings are not sponsored by the school.

For purposes of this section, a noncurriculum-related student group is one that is not directly related to the curriculum. A student group will be considered curriculum-related only if (1) the group's subject matter is taught in a regularly offered course or relates to the curriculum as a whole; (2) participation in the group is required as part of a course; or (3) participation in the group results in course credit.

C. SPECIAL CIRCUMSTANCES

1. Students with Disabilities

Students with disabilities must be accorded the legal rights required by federal and state law.

2. ~~Transitioning~~ Military Children~~Students~~

School administrators shall facilitate the inclusion and participation in

extracurricular activities of ~~transitioning~~ military children transferring into the school ~~in extracurricular activities~~, to the extent they are otherwise qualified, by:

a. providing information about extracurricular activities to ~~transitioning~~ incoming military children; and

b. waiving application deadlines.

3. Athletic Participation by Home School Students

Home school students who are dually enrolled in accordance with the school system's enrollment and assignment policies and procedures are eligible to participate in high school interscholastic athletics if they comply with all of the following.

a. The student must present a home school card from the Division of Non-Public Education for the previous and current years, as well as a transcript, attendance record, and record immunizations.

b. The student must submit proof that the student has been enrolled in a registered home school for 365 days prior to participation in athletics.

c. Prior to the first date of practice, the student must provide the results of a nationally standardized achievement test, taken within the last year, that indicates the student was on grade level at the time the test was taken.

d. The student must participate in a class schedule that is at least one half of the assigned school's instructional day. At least one class must be taken on campus each semester.

e. The student must pass all classes in which the student is enrolled at the assigned school in order to maintain athletic eligibility.

f. Once dually enrolled and deemed eligible to participate in athletics, the student must maintain continuous dual enrollment. Failure to maintain continuous dual enrollment would render the student ineligible for athletic participation for 365 days.

g. The student must notify the principal of the assigned school in writing of the student's intent to try out for an athletic team at least 10 days prior to the first practice date of each sport season in which the student wishes to participate. Failure to comply with this requirement renders the student ineligible for that sport season.

h. The student must comply with all other applicable North Carolina High School Athletic Association rules and regulations regarding eligibility for

athletic participation.

A dually enrolled student who transitions to full enrollment within the school system will then be governed by North Carolina High School Athletic Association rules and regulations regarding fully enrolled students.

4. Athletic Participation by Early College Students

   Montgomery County High School students attending the Montgomery County Early College on the campus of Montgomery Community College will be allowed to participate in athletics at their "home" school.

D. APPEALS PROCESS

The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-47(4), -390.2, -407.5; 16 N.C.A.C. 6E .0204; State Board of Education Policy ATHL-001; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; N.C. High School Athletic Association Handbook, available at https://www.nchsaa.org/students-and-parents/rules-and-regulations; Middle/Junior High School Athletic Manual (NCDPI), available at https://sites.google.com/dpi.nc.gov/nchealthyschools/athletics

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military Families (policy 4050), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), School Assignment (policy 4150), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

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Updated: December 7, 2020

The board expects all employees to maintain the highest professional, moral, and ethical standards in their interactions with students. Employees are required to provide an atmosphere conducive to learning through consistently and fairly applied discipline and established and maintained professional boundaries. Employees are expected to motivate each student to perform to his or her capacity while modeling the behavior expected of students in staff-student relationships.

The interactions and relationships between staff and students must be based upon cooperation, mutual respect, and an understanding of the appropriate boundaries between adults and students inside and outside of the educational setting. Employees are expected to demonstrate good judgment and to avoid the appearance of impropriety in their interactions with students. Employees must consult their supervisor any time they suspect or are unsure whether conduct is inappropriate or otherwise constitutes a violation of this or other board policy.

For the purposes of this policy, the terms "staff" and "employees" include independent contractors, school safety officers, and volunteers, but do not include student employees or student volunteers.

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

1. In accordance with policy 7335, Employee Use of Social Media, employees are prohibited from communicating with current students through non-school-controlled social media without parental permission except to the extent that the employee and student have an appropriate relationship which originated outside of the school setting. Any communication through social media authorized under policy 7335 must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policy.

2. Instant messages will be treated as a form of communication through social media subject to the terms of policy 7335 and subsection B.1 above, regardless of whether the messaging service is actually provided through a social media service or otherwise.

3. Employees are prohibited from engaging in other forms of one-to-one electronic

communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur and when they will occur;

b. the communication serves an educational purpose and is simultaneously copied or transmitted to the employee's supervisor or designee and, upon request, to the parent or guardian;

c. the communication is necessary in a bona fide emergency, provided the communication is disclosed to the supervisor and parent or guardian as soon as reasonably possible; or

d. the communication derives from a relationship or association outside of the school setting and occurs with the consent of the parent or guardian, provided such communication does not otherwise violate this or other board policy.

Any one-to-one electronic communication permitted by this subsection must meet the professional standards established in this policy and must otherwise be consistent with law and all other board policies.

4. It is the duty of every employee to notify his or her supervisor of any unsolicited one-to-one communication, in any form, electronic or otherwise, received from a student when the communication lacks a clear educational purpose. School counselors are excluded from this requirement only to the extent that it conflicts with their professional duties.

5. Violations of this section will be considered unprofessional behavior subject to discipline, up to and including dismissal. Factors that may be relevant to the determination of an appropriate disciplinary response to unauthorized communications with students include, but are not limited to:

a. the content, frequency, subject, and timing of the communication(s);

b. whether the communication(s) was appropriate to the student's age and

maturity level;

c. whether the communication(s) could reasonably be viewed as a solicitation of sexual contact or the courting of a romantic relationship, including sexual grooming;

d. whether there was an attempt to conceal the communication(s) from the employee's supervisor and/or the student's parent or guardian;

e. whether the communication(s) created a disruption of the educational environment; and

f. whether the communication(s) harmed the student in any manner.

C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

Any employee who has reason to believe any of the following shall immediately report that information to the superintendent or designee:

a. that another employee is involved in a romantic or other inappropriate relationship or has had sexual contact with a student;

b. that another employee has engaged in other behavior prohibited by this policy; or

c. that the employee has witnessed behavior by another employee that has the appearance of impropriety, whether or not the behavior may have a valid purpose.

An employee who fails to inform the superintendent or designee as provided in this section may be subject to disciplinary action, up to and including dismissal.

2. Reporting by Students

Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

Any principal who has reason to believe that a student has been the victim of criminal conduct shall immediately report the incident in accordance with policy 4335, Criminal Behavior.

4. Report to State Superintendent of Public Instruction

Any administrator, including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe that a licensed employee has engaged in conduct ~~which~~ that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or involves physical or sexual abuse of a child shall report that information to the State Superintendent of Public Instruction within five working days of any disciplinary action, dismissal, or resignation based on the conduct. For purposes of this subsection, physical abuse is the infliction of physical injury other than by accidental means or in self-defense, and sexual abuse is the commission of any sexual act upon a ~~child~~ student or causing a ~~child~~ student to commit a sexual act, regardless of consent and the age of the ~~child~~ student. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse and Related Threats to Child Safety, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18), -270.35(b); 16 N.C.A.C. 6C .0372, .0373~~.0312~~, .0601, .0602; State Board of Education Policy~~ies~~ EVAL-014

Cross References: Governing Principle – Removal of Barriers (policy 1700), 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), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

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As required by the North Carolina Constitution and North Carolina law, the board of education is committed to providing a free public school education to all children who are legally entitled to enroll in the school system. In accordance with the McKinney-Vento Homeless Assistance Act and the North Carolina State Plan for Educating Homeless Children, the board will make reasonable efforts to identify homeless children and youth of school age located within the area served by the school system, encourage their enrollment, and eliminate barriers to their receiving an education that may exist in school system policies or practices. Based on individual need, homeless students will be provided services available to all students, such as preschool, free or reduced price school meals, services for English learners, special education, career and technical education (CTE), academically or intellectually gifted (AIG) services, and before- and after-school care.

The provisions of this policy will supersede any and all conflicting provisions in board policies that address the areas discussed in this policy.

A. DEFINITION OF HOMELESS STUDENTS

Homeless students are children and youth who lack a fixed, regular, and adequate nighttime residence. The term "homeless student" will also be deemed to include the term "unaccompanied youth," which includes a youth who is not in the physical custody of a parent or guardian. Homeless children and youth include those students who are as follows:

1. sharing the house of other persons due to loss of housing, economic hardship, or a similar reason;

2. living in motels, hotels, transient trailer parks, or camping grounds due to the lack of alternative adequate accommodations;

3. living in emergency or transitional shelters;

4. abandoned in hospitals;

5. living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as regular sleeping accommodations for human beings;

6. living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or

7. living in a migratory situation that qualifies as homeless because the child lacks a fixed, regular, and adequate nighttime residence.

B. ENROLLMENT, ASSIGNMENT, AND TRANSPORTATION OF HOMELESS STUDENTS

1. Enrollment

   a. Eligibility

      Notwithstanding the enrollment eligibility requirements established by the board elsewhere in policy, school personnel shall immediately enroll homeless students even if they do not have proof of residency, school and immunization records, birth certificates, or other documents; have missed application or enrollment deadlines during a period of homelessness; have outstanding fees; or are not accompanied by an adult. The homeless liaison shall assist the students and parents or guardians in securing appropriate records or otherwise meeting enrollment requirements.

   b. Records

      Homeless students transferring into the school system may provide cumulative and other records directly to school system personnel. The superintendent or designee shall not require that such records be forwarded from another school system before the student may enroll. However, school personnel shall immediately request the official records from the previous school.

   Information regarding a child or youth's homeless situation must be treated as a student record and protected accordingly. See policy 4700, Student Records.

2. Assignment

   A homeless student (or the student's parent or guardian) may request to attend (1) his or her school of origin or (2) any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless not in the student's best interest, a homeless student who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

   The superintendent shall designate the director of student assignment or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision must be based upon consideration of student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the

student's parent or guardian or the unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth.

If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian or unaccompanied youth, he or she must provide a written explanation of the reasons for the determination to the parent or guardian or unaccompanied youth, along with information regarding the right to appeal the placement decision as described in Section D, below.

3. Transportation

The board of education will provide homeless students with transportation services comparable to those of other students. In addition, at the parent or guardian's request (or at the request of the homeless liaison for unaccompanied youth), the board will provide transportation services to/from the school of origin. The superintendent or designee and the homeless liaison shall coordinate homeless students' transportation needs, based on the child's best interest. In situations in which a student attends school in this system but his or her temporary housing is in another system (or vice versa), the superintendent or designee shall work with the other system to share the cost and/or responsibility for transportation. If an agreement cannot be reached between the systems, the cost of such transportation will be divided evenly.

If a homeless student becomes permanently housed and chooses to remain in his or her school of origin, the board will provide transportation to the student for the remainder of the school year.

C. ELIGIBILITY FOR TITLE I SERVICES

Homeless students are automatically eligible for Title I services. The homeless liaison and the Title I director shall collaborate to identify the needs of homeless students.

D. DISPUTE RESOLUTION PROCESS

A parent, guardian, or unaccompanied youth who disagrees with a decision of school officials with regard to eligibility, school selection, or enrollment of a student who is homeless (hereinafter, referred to as a "complainant") may appeal the decision to the school system's homeless liaison in accordance with this section upon registering or attempting to register the child or youth at the school in which enrollment is sought.

Any employee who is aware that an unaccompanied youth or a parent or guardian of a homeless student is dissatisfied with a decision of school officials with regard to eligibility,

school selection, or enrollment should immediately refer that individual to the school system's liaison for homeless students.

As used in this section, "school days" means days when students are scheduled to be in attendance.

1. Notice, Stay Put, and Informal Resolution

Upon learning of a complainant's disagreement with a decision of school officials, the homeless liaison shall take the following actions.

a. The homeless liaison shall arrange to have the student immediately admitted to the school in which enrollment is sought (either the school of origin or the school located in the attendance zone of the student's temporary residence) if enrollment is at issue. Once enrolled, the student must receive all services for which he or she is eligible and must be allowed to participate fully in school activities, pending resolution of the dispute.

b. ~~Immediately, but not later than~~Within one school day ~~after~~ of learning of the complainant's disagreement, the homeless liaison shall provide the complainant a copy of the school system's uniform statement of rights and procedures that is written in a language, manner, and form the complainant can understand, to the extent the school system deems practicable ~~to the extent practicable, in the language that the complainant can understand~~. The written statement must include all of the following:

1) contact information, including telephone number, e-mail address, and physical address of the homeless liaison and of the State Coordinator for homeless education, with a brief description of their roles;

2) notice that, within two school days of the school's decision, the complainant has the right to notify the homeless liaison that the complainant intends to appeal the decision;

3) an explanation of the appeal procedure, including the timeline and process for making the initial appeal and for pursuing a subsequent appeal to the superintendent and board, as provided by this policy;

4) a ~~simple~~ complaint form that a complainant can understand, complete, and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and board;

5) notice that the board of education or a designated panel of the board will make the final decision on behalf of the school system;

6) notice of the right to appeal, or request an extension of time to appeal, the final decision of the school system to the State Coordinator within three school days of receipt of the final decision ~~and the option to request an extension from the State Coordinator along with a step by step description of how to file the appeal~~;

7) notice of the right to enroll immediately in the school located in the assignment area of the student's temporary residence or remain in the school of origin with transportation provided by the school system pending resolution of the dispute, if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;

8) notice that ~~immediate~~ the right to enroll~~ment~~ includes the right to fully participate~~ion~~ in all school activities;

9) notice of the right to obtain assistance of advocates or attorneys; and

10) notice of the right to provide supporting written or oral documentation during the appeals process.

c. The homeless liaison shall attempt to informally resolve the matter. Complainants are encouraged to attempt informal resolution through discussion with the homeless liaison when possible.

d. If informal resolution is unsuccessful, the homeless liaison shall inform the complainant of the right to appeal the matter by initiating the dispute resolution process provided in subsection D.2, below.

e. If the complaint initiates the dispute resolution process, the homeless liaison shall expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

2. Steps in the Dispute Resolution Process and Related Timelines

a. Homeless Liaison Review

i. If informal resolution of a complaint is unsuccessful, the complainant may initiate the dispute resolution process by making a formal appeal to the homeless liaison, either directly or through the principal of the school in which enrollment is sought. The appeal must be presented within five school days of the decision giving rise to the complaint unless the homeless liaison agrees to an extension of up to five additional school days for good cause.

ii. The appeal may be made orally or in writing on the designated complaint form. If the complainant makes an oral appeal, the homeless liaison shall complete the written complaint form on the complainant's behalf without delay.

iii. The complaint should include the date of the filing, a description of the disputed action pertaining to eligibility, school selection, or enrollment, the name of the person(s) involved, and a description of the relief requested. The complainant must be informed of the right to provide supporting written or oral documentation and to seek the assistance of an advocate or attorney.

iv. No more than two school days after the complainant initiates the dispute resolution process, ~~T~~the local liaison shall (1) inform the superintendent, other ~~appropriate~~ school officials participating in the dispute resolution process, and the State Coordinator of the dispute ~~immediately after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.~~and (2) provide a written decision, including the reasons for the decision, to the complainant and the superintendent.

~~v. Within two school days after receiving the formal complaint, the homeless liaison shall provide a written decision, including the reasons for the decision, to the complainant and the superintendent.~~

b. Appeal to the Superintendent of the Liaison's Decision

i. Within two school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response of the liaison.

ii. The superintendent or designee shall schedule a conference with the complainant to discuss the complaint.

iii. Within four school days of receiving the appeal, the superintendent or designee shall provide a written decision to the complainant including a statement of the reasons for the decision.

c. Appeal to the Board of the Superintendent's Decision

i. If the complainant is dissatisfied with the superintendent's decision, he or she may file an appeal with the board of education within two days.

ii. The appeal may be filed orally or in writing using the form designated for this purpose. Oral appeals must be made to the homeless liaison, who shall commit the appeal to writing on the designated form.

iii. The board or a panel of at least two board members acting on behalf of the board will ~~hear~~ render a decision on the appeal. The board or board panel will provide the complainant with a written decision within five school days of receiving the appeal. In unusual circumstances the board or board panel may extend this time but will avoid exceeding the lesser of (1) 15 school days from when the complaint was received or (2) 30 calendar days from when the complaint was received.

iv. The board or board panel's decision will constitute the final decision of the school system for purposes of the complaint's right to appeal to the State Coordinator.

v. If the matter under appeal is a school assignment, a board panel decision will be a recommendation that must be submitted to the full board for a final determination as required by state law and policy 4150, School Assignment. However, in order to ensure an expedited appeals process for students who are homeless, the recommendation of the board panel shall be considered the final decision of the board for purposes of appeal to the State Coordinator if a final determination by the full board reasonably cannot be accomplished by the deadline described in the previous paragraph.

vi. The written statement of the final decision will include the name and contact information of the State Coordinator for homeless education and will describe the appeal rights to the State Coordinator. If the matter under appeal is a school assignment and the appeal was not heard by the full board, the written decision will also note that review of the matter by the full board as required by state law is pending.

d. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the decision of the board or board panel, he or she may file an oral or written appeal with the State Coordinator for homeless education within three school days of receiving the board or panel's decision or within the period of any extension granted. The State

Coordinator will issue a final decision on the complaint. The appeal must include:

i. the name of the complainant and, ~~physical address~~ if available, his or her physical address, e-mail address, and telephone number ~~of the complainant~~;

ii. the relationship or connection of the person to the child in question;

iii. the name of the school system and the ~~specific~~ school in question;

iv. the federal requirement alleged to have been violated;

v. how the requirement is alleged to have been violated; and

vi. the relief the person is seeking.

Within three school days following a request from the State Coordinator, the homeless liaison shall provide the record of complaint, a copy of the board or panel's decision, and any other ~~supporting~~ documents necessary to complete the record.

E. HOMELESS LIAISON

The superintendent or designee shall appoint and train a school employee to serve as the homeless liaison. In addition to the duties specifically assigned elsewhere in this policy, the homeless liaison's duties shall include, but not be limited to, the following:

1. ensuring that school personnel identify homeless children and youth;

2. ensuring school/preschool enrollment of and opportunities for academic success for homeless children and youth;

3. ensuring that homeless families and children have access to and receive educational services for which they are eligible;

4. ensuring that homeless families and children receive referrals to healthcare, dental, mental health and substance abuse, housing, and other appropriate services;

5. informing parents or guardians and any unaccompanied youth of available transportation services and helping to coordinate such services;

6. ensuring that public notice of the educational rights of homeless students is disseminated in locations frequented by parents or guardians and unaccompanied youth;

7. informing parents or guardians of educational and related opportunities available to their children and ensuring that parents or guardians have meaningful opportunities to participate in their children's educations;

8. communicating the dispute resolution process to parents, guardians, and unaccompanied youth experiencing homelessness;

9. helping to mediate enrollment disputes, including ensuring that a homeless child or youth is enrolled immediately pending final resolution of the dispute;

10. developing a uniform written notice that explains to parents, guardians, and unaccompanied youth their rights and the process for appealing a decision of school officials, as required by subsection D.1.b of this policy. The notice must be written in a simple and understandable format and translated to other languages as needed and practicable;

11. ensuring that when parents, students, and unaccompanied youth initiate the dispute resolution process, all parties comply with the dispute resolution policy and that parents, students, and unaccompanied youth are provided with the information listed in subsection D.1.b of this policy;

12. informing unaccompanied youth of their status as independent students and assisting in verifying such status for the purposes of the Free Application for Federal Student Aid;

13. ensuring that school personnel providing services to homeless students receive professional development and other support;

14. working with school personnel, the student, parents or guardians, and/or other agencies to obtain critical enrollment records, including immunization and medical records, in a timely manner; and

15. working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students, including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 115C-366(a2), -369; 16 N.C.A.C. 6H .011~~24~~, .0115, .0116; State Board of Education Policy~~ies SBOP-020,~~ SPLN-000

Cross References: Immunization and Health Requirements for School Admission (policy 4110), Domicile or Residence Requirements (policy 4120), Discretionary Admission (policy 4130), School Assignment (policy 4150), Student Records (policy 4700)

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CHILD ABUSE AND RELATED THREATS TO CHILD SAFETY

Policy Code: **4240/7312**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. COOPERATION WITH STATE AND LOCAL AGENCIES

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

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

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

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

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment

by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

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

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

E. SHARING INFORMATION WITH OTHER AGENCIES

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

F. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

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

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

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-270.35(b), -375.20, -400, -402; 126-5; 16 N.C.A.C. 6C ~~.0312~~ .0373; State Board of Education Policy~~ies~~ ~~LICN-007 and NCAC-039~~ SHLT-003

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

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Updated: April 6, 2009
Updated: February 8, 2010
Updated: December 4, 2017
Updated: July 8, 2019
Updated: February 3, 2020

Criminal or other illegal behavior is prohibited. Any student who the principal reasonably believes has engaged in criminal behavior on school premises or at school activities will be subject to appropriate disciplinary action, as stated in applicable board policies, and also may be criminally prosecuted.

School officials shall cooperate fully with any criminal investigation and prosecution. School officials shall independently investigate any criminal behavior that also violates school rules or board policy.

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

The superintendent and principal may take reasonable or legally required measures to preserve a safe, orderly environment when a student has been charged with or convicted of a serious crime, regardless of whether the alleged offense was committed on school grounds or was related to school activities. Depending upon the circumstances, including the nature of the crime or alleged crime, the child's age, and the publicity within the school community, reasonable or legally required efforts may include changing a student's classroom assignment or transferring the student to another school. Transfer to an alternative school may be made in accordance with the criteria established in policy 3470/4305, Alternative Learning Programs/Schools. The student will continue to be provided with educational opportunities unless and until the student is found to have violated board policy or school rules and is suspended or expelled in accordance with procedures established in board policy.

B. REPORTING CRIMINAL BEHAVIOR

A school employee is permitted to report to law enforcement an assault by a student on a school employee. Principals or other supervisors shall not, by threats or in any other manner, intimidate, or attempt to intimidate the school employee from doing so.

Principals must immediately report to law enforcement the following acts when they have personal knowledge or actual notice from school personnel that such acts have occurred on school property, regardless of the age or grade of the perpetrator or victim: (1) assault resulting in serious personal injury; (2) sexual assault; (3) sexual offense; (4) rape; (5) kidnapping; (6) indecent liberties with a minor; (7) assault involving the use of a weapon; (8) possession of a firearm in violation of the law; (9) possession of a weapon in violation of the law; and (10) possession of a controlled substance in violation of the law. A principal who willfully fails to make a required report to law enforcement will be subject to disciplinary action, up to and including dismissal.

The principal or designee shall notify the superintendent or designee in writing or by e-mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not

later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents of students who are alleged to be victims of any reported offenses.

Certain crimes must be reported to the ~~State Board of Education~~Department of Public Instruction in accordance with ~~State Board of Education Policy SSCH 00016~~ N.C.A.C. 6E .0107.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; 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, -202.1, -202.2, -269.2; ch. 90 art. 5; 115C-47(56), -288(g); 16 N.C.A.C. 6E .0107 ~~State Board of Education Policy SSCH 000~~

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Drugs and Alcohol (policy 4325), Theft, Trespass, and Damage to Property (policy 4330), Assaults and Threats (policy 4331), Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333), School-Level Investigations (policy 4340)

Adopted: April 10, 2000
Updated: December 6, 2011
Updated: January 14, 2013
Updated: November 7, 2016
Updated: December 7, 2020

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.

~~**Temporary Rule for Attendance on Remote Instruction Days**~~

~~To be counted present during remote instruction days, students must either: (1) complete their daily assignments, either online or offline; or (2) have a daily check-in through two-way communication with (a) the homeroom teacher for grades K-5 or (b) the course teacher for all other grade levels. This temporary rule will remain in effect until repealed by the board or until the applicable guidance from the North Carolina Department of Public Instruction is rescinded, whichever occurs first.~~

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, 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.

~~Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina~~

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 ~~physician~~ 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 ~~participation~~ under subpoena as a witness ~~in a court proceeding~~;

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.

~~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 work. (See also policies 4110, Immunization and Health Requirements for School Admission, and 4351, Short-Term Suspension.) The teacher will 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.~~

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. ~~All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum.~~ 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.~~; and~~

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

~~All classroom activities are important and difficult, if not impossible, to replace if missed. Principals shall ensure that classes missed by students due to school-related activities are kept to an absolute minimum.~~

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. ~~EXCESSIVE~~ UNEXCUSED ABSENCES

~~Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement. Students are expected to be at school on time and to be present at the scheduled starting time for each class. Students who are excessively tardy to school or class may be suspended for up to two days for such offenses.~~

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. ~~Students may be suspended for up to two days for truancy.~~

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.

~~If a student is absent from school for five or more days in a semester, the principal or a committee established by the principal shall consider whether the student's grades should be reduced because of the absences. The principal or committee shall review other measures of academic achievement, the circumstances of the absences, the number of absences, and the extent to which the student completed missed work. A committee may recommend to the principal and the principal may make any of the following determinations:~~

~~1. the student will not receive a passing grade for the semester;~~

~~2. the student's grade will be reduced;~~

~~3. the student will receive the grade otherwise earned; or~~

~~4. the student will be given additional time to complete the missed work before a determination of the appropriate grade is made.~~

H. SPECIAL CIRCUMSTANCES

1. Students with Chronic Health Problems

No penalties will be imposed for ~~Students with excused~~ absences due to documented chronic health problems ~~are exempt from this policy~~.

2. Students Experiencing Homelessness

~~In addition f~~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

~~Excessive a~~Absences may impact eligibility for participation in ~~interscholastic athletics~~ 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~~, NCAC-007~~

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

Adopted: April 10, 2000
Amended: June 3, 2002
Amended: April 2, 2007
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Updated: May 2, 2011
Updated: September 13, 2011
Updated: June 3, 2013
Updated: June 4, 2018
Updated: December 2, 2019
Updated: December 7, 2020

The board recognizes that the public schools are an integral part of the community and that the public has a vested interest in having students develop into productive members of the workforce and of society. The board encourages the community to be involved in the school system and to assist the school system in the goal of providing every student with the opportunity to receive a sound basic education.

Each year the board will ensure that the report card issued for the school system by the State Board of Education receives widespread distribution to the local press or to other local channels of news and information. In addition, the school system will publish on its website all information required by law, including assessment and performance information and information on how state funds have been used to address local educational priorities.

A. POLICIES

In making policy decisions, the board will keep in mind its commitment to providing all students in our community the opportunity to obtain a sound basic education.

The board's commitment to the wider community is expressed in various policies that address the relationship between the school system and the community, such as:

1. Parental Involvement (policy 1310/4002);
2. Title I Parent and Family Engagement (policy 1320/3560);
3. Responding to Complaints (policy 1742/5060);
4. Public Participation at Board Meetings (policy 2310);
5. Compliance with the Open Meetings Law (policy 2320);
6. School Volunteers (policy 5015);
7. Visitors to the Schools (policy 5020);
8. Registered Sex Offenders (policy 5022);
9. Community Use of Facilities (policy 5030);
10. Public Records – Retention, Release, and Disposition (policy 5070/7350); and
11. Distribution and Display of Non-School Material (policy 5210).

~~3. Public Records Retention, Release, and Disposition (policy 5070/7350);~~

~~4. School Volunteers (policy 5015);~~

~~5. Compliance with the Open Meetings Law (policy 2320);~~

~~6. Registered Sex Offenders (policy 5022);~~

~~7. Distribution and Display of Non-School Material (policy 5210);~~

~~8. Community Use of Facilities (policy 5030); and~~

~~9. Visitors to the Schools (policy 5020).~~

B. SCHOOL ADMINISTRATORS

School administrators shall:

1. demonstrate a commitment to working with the community;

2. identify appropriate opportunities for community input;

3. communicate to the public the goals and objectives of the school system and the progress of the school system in meeting those goals and objectives; and

4. provide the public with school progress and performance reports as required by state and federal law.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301; G.S. 115C-12(9)c3, -36, -47, -83.10, -105.25; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Authority and Duties (policy 1010), Parental Involvement (policy 1310/4002), Title I Parent and Family Engagement (policy 1320/3560), Responding to Complaints (policy 1742/5060), Public Participation at Board Meetings (policy 2310), Compliance with the Open Meetings Law (policy 2320), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Community Use of Facilities (policy 5030), Public Records – Retention, Release, and Disposition (policy 5070/7350), Distribution and Display of Non-School Material (policy 5210)

Adopted: January 11th, 2016
Updated: November 7, 2016

A. STUDENT HEALTH SERVICES GENERALLY

The board will provide health services to students as required by law. School employees may administer ~~drugs or~~ medication prescribed by a ~~doctor~~ health care practitioner only upon the written request of the parents; give emergency health care when reasonably apparent circumstances indicate that any delay would seriously worsen the physical condition or endanger the life of the student; and perform any other first aid or lifesaving technique in which training has been provided to school employees. A registered nurse also will be available to provide assessment, care planning, and ongoing evaluation of students with special health care service needs in the school setting.

The superintendent may develop procedures or delegate the development of procedures to each ~~school~~ principal for providing these health services and meeting the board requirements listed below.

1. The principal shall determine at the beginning of each school year prior to the beginning of classes, and thereafter as circumstances require, which employees will be selected to participate in the health services program. The principal shall inform his or her staff about which health services duties are delegated to which employees.

2. Any employee designated to provide health care services must receive appropriate training.

3. Health manuals prepared by the governing state agencies must be followed in developing appropriate procedures and for determining which tasks must be performed by registered nurses.

4. Procedures must be consistent with all related board policies, including policy 4230, Communicable Diseases – Students, and policy 6125, Administering Medicines to Students.

5. Procedures must be consistent with state and federal law for students with disabilities, including the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act. The *Policies Governing Services for Children with Disabilities* will be followed, as applicable.

6. Procedures must be consistent with guidelines adopted by the State Board of Education under G.S. 115C-12(31) to serve students with diabetes, including developing and implementing individual diabetes care plans for such students and providing information and training to school personnel to appropriately support and assist such students, in accordance with their individual diabetes care plans.

7. Written information maintained by the school or school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act (FERPA) and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

8. School personnel must obtain parental consent for medical services as required by law. Parents will be notified of their rights in accordance with policy 1310/4002, Parental Involvement.

9. Health professionals will be consulted in the development of health services. Opportunities also will be provided for input from staff, parents, and students on the health services provided.

B. SCHOOL SYSTEM MENTAL HEALTH PLAN

The superintendent shall develop a school-based mental health plan that includes a mental health training program and suicide risk referral protocol that satisfies the requirements of State Board of Education Policy SHLT-003. The superintendent shall submit the plan to the board for approval and direct implementation of the plan within all applicable deadlines.

By September 15 of each year, the superintendent shall report to the Department of Public Instruction on (1) the content of the school system's mental health plan, including the mental health training program and suicide risk referral protocol, and (2) the school system's prior school year compliance with the requirements of State Board of Education Policy SHLT-003. The board will review the components of the school system's mental health plan at least every five years, starting August 1, 2025, and will update the mental health plan in accordance with any updated requirements provided by the State Board of Education.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies ~~NCAC-015~~ EXCP-000, SHLT-003

Cross References: Parental Involvement (policy 1310/4002), Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Administering Medicines to Students (policy 6125)

Adopted: January 11, 2016

The board recognizes that students may need to take medication during school hours. School personnel may administer medication prescribed by a health care practitioner upon the written request of a student's parent. In limited circumstances, a student may be authorized to self-administer medications. To minimize disruptions to the school day, students should take medications at home rather than at school whenever feasible. School officials may deny a request to administer any medication that could be taken at home or when, in the opinion of the superintendent or designee in consultation with school nursing personnel, other treatment options exist and the administration of the medication by school personnel would pose a substantial risk of harm to the student or others.

For purposes of this policy, all references to "parent" include parents, legal guardians, and legal custodians. In addition, for purposes of this policy, the term "health care practitioner" is limited to licensed medical professionals who are legally authorized to prescribe medications under North Carolina law, such as doctors of medicine, doctors of osteopathic medicine, physician assistants, and nurse practitioners.

Unless otherwise indicated, the terms "medication" and "medicine" include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter "over-the-counter drugs"). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A. The self-administration of any prescription or over-the-counter drug by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited circumstances described in Section C.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless (1) authorized by and administered by a caregiver in accordance with G.S. 90-94.1 and G.S. 90-113.101 for the treatment of intractable epilepsy, or (2) the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA); and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

   Authorized school employees may administer medication to students when all of the following conditions are met. These conditions apply to all medications, including those available over-the-counter without a prescription.

   a. Parental Consent: The student's parent must make a signed, written request that authorizes school personnel to administer the medication to the student.

b. Medication Authorization/Order: A health care practitioner must prescribe the medication for use by the student and provide explicit written instructions for administering the medication.

c. Certification of Necessity: The student's health care practitioner must certify that administration of the medication to the student during the school day is necessary to maintain and support the student's continued presence in school.

d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with the child's name, the name of the medication, the exact dose to be given, the time/frequency the medication is to be given, the route of administration, the number of doses in the container, and the expiration date of the medication ~~directions for how and when the medicine is to be given~~. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

e. Proper Administration: The employee must administer the medication pursuant to the health care practitioner's written instructions provided to the school by the student's parent, and in accordance with professional standards.

The board of education and its employees assume no liability for complications or side effects of medication when administered in accordance with the instructions provided by the parent and health care practitioner.

2. Procedures for Administering Medications

The superintendent shall develop procedures for the implementation of this policy. The procedures and a copy of this policy must be made available to all students and parents each school year. The superintendent's procedures should be developed according to the guidelines listed below.

a. The health and welfare of the student must be of paramount concern in all decisions regarding the administration of medication.

b. Procedures for medication administration must be consistent with recommendations of the School Health Unit of the Children & Youth Branch of the N.C. Division of Public Health, as described in the *North Carolina School Health Program Manual*.

c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children*

with Disabilities. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

d. Except as permitted by this policy, no student may possess, use, sell, deliver, or manufacture any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.

e. The board generally encourages school personnel to administer medication from a centralized location. However, in all instances, whether administered from a centralized location or multiple locations, any medications kept at school for a student must be kept in a locked and secure place. An exception to the requirement for locked storage may be made for emergency medications that must be immediately accessible. Access to controlled substances should be limited to the school nurse, school staff person authorized to administer medication, and the principal or designee.

f. All school personnel who will be administering medications must receive appropriate training.

g. Only medications clearly prescribed for the student may be administered by school personnel. At the time a parent brings a medication to school for administration, if school personnel have concerns regarding the appropriateness of the medication or dosage for a student, a confirmation should be obtained from the student's health care practitioner or another health care practitioner prior to administering the medication or allowing a student to self-administer the medication.

h. Although efforts should be made not to disrupt instructional time, a parent has the right to administer medication to his or her child at any time while the child is on school property, unless otherwise prohibited by this policy.

i. Written information maintained by school personnel regarding a student's medicinal and health needs is confidential. Parents and students must be accorded all rights provided by the Family Educational Rights and Privacy Act and state confidentiality laws. Any employee who violates the confidentiality of the records may be subject to disciplinary action.

B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to

be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan.

Students are prohibited from self-administering medication at school unless (1) the medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

   Before a student will be allowed to self-administer medication pursuant to this section, the student's parent must provide to the principal or designee all of the documents listed below:

   a. written authorization from the student's parent for the student to possess and self-administer the medication;

   b. a written statement from the student's health care practitioner verifying that:

      1) the student has diabetes or asthma, or an allergy that could result in anaphylactic reaction;

      2) the health care practitioner prescribed the medication for use on school property during the school day, at school-sponsored activities, or while in transit to or from school or school-sponsored events; and

      3) the student understands, has been instructed in self-administration of the medication, has demonstrated the skill level necessary to use the medication and any accompanying device, and has been determined to be competent for self-administration;

c. a written treatment plan and written emergency protocol formulated by the prescribing health care practitioner for managing the student's diabetes, asthma, or anaphylaxis episodes and for medication use by the student;

d. a statement provided by the school system and signed by the student's parent acknowledging that the board of education and its employees and agents are not liable for injury arising from the student's possession and self-administration of the medication; and

e. any other documents or items necessary to comply with state and federal laws.

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, (1) the skill level necessary to use the medication and any ~~accompanying~~ device necessary for its administration; and (2) sufficient knowledge and maturity to be independent in the management of the medication with no oversight from school staff.

The student's parent must provide to the school backup medication that school personnel are to keep in a location to which the student has immediate access in the event the student does not have the required medication.

All information provided to the school by the student's parent must be reviewed by the school nurse and kept on file at the school in an easily accessible location. Any permission granted by the principal or designee for a student to possess and self-administer medication will be effective only for the same school for 365 calendar days. Such permission must be renewed each school year.

2. Responsibilities of the Student

A student who is authorized in accordance with this policy to carry medication for self-administration must carry the medication in the original labeled container with the student's name on the label.

3. Consequences for Improper Use

A student who uses his or her medication in a manner other than as prescribed or who permits another person to use the medication may be subject to disciplinary action pursuant to the school disciplinary policy. However, school officials shall not impose disciplinary action on the student that limits or restricts the student's immediate access to the diabetes, asthma, or anaphylactic medication.

The board does not assume any responsibility for the administration of medication to a student by the student, the student's parent, or any other person who is not authorized by this policy to administer medications to students.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 90-94.1, -113.101; 115C-36, -307(c), -375.1, -375.2, -375.2A, -375.3; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000

Cross References: Parental Involvement (policy 1310/4002), Drugs and Alcohol (policy 4325), Emergency Epinephrine Auto-Injector Devices (policy 5024/6127/7266)

Other ~~References~~ Resources: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Public Health, School Health Unit, 2020 ~~6~~th ~~ed. 2014~~), available at
https://publichealth.nc.gov/wch/cy/schoolnurses/manual.htm
~~https://www2.ncdhhs.gov/dph/wch/lhd/manuals.htm~~

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: February 5, 2018
Updated: December 3, 2018
Updated: December 2, 2019

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 ~~as needed~~.

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, 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~~ies~~ TRAN-000~~, 006~~; 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)

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

DISCRIMINATION AND HARASSMENT IN THE WORKPLACE

Policy Code: **7232**

The board prohibits unlawful discrimination in employment based on race, color, religion, national origin, military affiliation, genetic information, sex (including pregnancy, childbirth, sexual orientation, and gender identity), age (40 or older), disability, or other unlawful grounds. Harassment is a form of unlawful employment discrimination. The board recognizes that all forms of harassment of employees or applicants is harmful behavior that negatively impacts the workplace environment.

Any employee who engages in discrimination or harassment prohibited by this policy or who contributes to the development of a hostile work environment is subject to discipline, up to and including dismissal.

A. DISCRIMINATION PROHIBITED

Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership or that of an associate in a legally-protected class.

Discrimination in employment based on the characteristics listed above is prohibited in all employment-related practices, including hiring, compensation, terms, conditions, and other privileges of employment, except when sex, age, or physical requirements are essential occupational qualifications.

B. HARASSMENT PROHIBITED

Harassment prohibited by this policy is unwelcome conduct based on race, color, religion, national origin, military affiliation, genetic information, age (40 or older), sex (including pregnancy, childbirth, sexual orientation, and gender identity), or disability where:

1. enduring the offensive conduct becomes a condition of continued employment; or

2. the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive, even if the complaining individual is not the intended target.

A single incident of harassment, if physically threatening or humiliating, can create a hostile work environment. The complaining individual need not be the target of the harassment.

Examples of unwelcome conduct that may violate this policy include, but are not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference

with work performance.

Petty slights, annoyances, simple teasing, offhand comments, or isolated incidents (unless extremely serious) are not harassment under this policy, nor are reasonable performance management actions taken to direct and control how work is performed or to monitor and give feedback on work performance. The exercise of legitimate authority administered in a professional and constructive manner is not harassment under this policy.

C. SEXUAL HARASSMENT PROHIBITED

Sexual harassment is a particular type of workplace harassment. Sexual harassment prohibited by this policy may also violate policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and in such cases school officials must proceed in accordance with the requirements of that policy.

Prohibited sexual harassment is unwelcome conduct which is either of a sexual nature, or is directed at a person because of the person's sex (including pregnancy, childbirth, sexual orientation, and gender identity), when:

1. submission to the conduct is made either explicitly or implicitly a term or condition of a person's employment;

2. submission to or rejection of such conduct is made the basis for decisions affecting a person's employment; or

3. the conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal, or physical aggression, intimidation, or hostility that is based on actual or perceived gender and sexual stereotypes, sexual orientation, or gender identity. Consensual conduct between adults that is not directed at a third party is not sexual harassment.

D. REPORTING DISCRIMINATION AND HARASSMENT

Applicants and employees should promptly report orally or in writing any instance of alleged or potential discrimination, including harassment, to their principal or supervisor or the senior human resources official. Upon receiving a written complaint, the principal, supervisor, or senior human resources official shall promptly investigate the written complaint and cause or recommend appropriate corrective action if the written complaint is substantiated. Oral reports of violations may be investigated at the discretion of the school officials designated above. All reports and complaints of harassment under this policy will be investigated in a manner that protects the employee or applicant and maintains confidentiality to the greatest extent possible as permitted by law.

E. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title II of the Genetic Information Nondiscrimination Act of 2008; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*, 29 C.F.R. pt. 1604; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; *Bostock v. Clayton County*, 590 U.S. __, 140 S. Ct. 1731 (2020); G.S. 143-422.2

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), Prohibition Against Retaliation (policy 1760/7280), Recruitment and Selection of Personnel (policy 7100)

Adopted: December 7, 2020

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 ~~for Employee Health Certificate~~

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 ~~will be required to provide a health certificate from a medical professional as a condition of returning to work following isolation due to COVID-19 symptoms or exposure~~. This temporary requirement shall remain in effect for as long as the state guidance remains in effect ~~the remainder of the 2020-2021 school year or until repealed by the board, whichever occurs first~~.

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)

Adopted: May 1, 2000
Updated: February 2, 2004
Updated: April 6, 2009

Updated: March 3, 2010
Updated: December 8, 2010
Updated: April 3, 2012
Updated: January 14, 2013
Updated: December 9, 2013
Updated: March 2, 2015
Updated: December 4, 2017
Updated: July 6, 2020
Updated: December 7, 2020

Employment or volunteer service with the school system does not preclude an individual from participating in political activities, such as ~~The employee's right of citizenship, involving~~ registering, ~~discussing political issues,~~ and voting, campaigning for candidates or issues, running for or serving in public office, attending political events, and contributing funds to partisan groups or candidates ~~and participating on a committee or board that seeks to serve the welfare of the community, will not be infringed upon due to employment by the school system~~. These political activities must not: (1) take place during ~~school time~~ work hours; (2) involve school system ~~monies~~ funds or materials; or (3) make use of an official school position to encourage or to coerce students, ~~or other~~ employees, or others ~~of the system~~ to support ~~in any way~~ or oppose a political party, candidate, or issue.

As specified in policy 2220, Official School Spokesperson, the chairperson of the board or designee and the superintendent or designee are the official spokespersons for the school system. Employees, when exercising their rights as citizens, should take steps to ensure that their personal political activities or opinions are not erroneously attributed to the ~~school~~ board or the school system.

This policy should not be construed as prohibiting the impartial study and discussion of political or other controversial issues in the classroom setting. However, employees must be mindful of their responsibility to deliver the curriculum of the school system and may not present their personal political views to students in the classroom or when otherwise engaged in the instruction of students.

Legal References: U.S. Const. amend. I; G.S. 115C-46.1, -47(18); *Boring v. Buncombe County Bd. of Educ.*, 136 F.3d 364 (4th Cir. 1998); *Lee v. York County Sch. Div.*, 484 F.3d 687 (4th Cir. 2007)

Cross References: Official School Spokesperson (policy 2220)

Adopted: May 1, 2000
Updated: August 3, 2009

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.

Legal References: G.S. 115C-447; 20 N.C.A.C. 03.0502

Cross References: Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: May 1, 2000
Updated: August 3, 2009

A. APPLICABILITY TO CERTAIN CLAIMS

On occasion, the board of education is presented with claims against the board from students, parents, or other citizens for injuries to person or property sustained while on a board property or at a school-sponsored event. The board adopts this policy in order that it may consider and process all such claims in a fair and equitable manner, taking into consideration the economic resources available to the board.

The board will only consider claims under this policy when the applicable insurance agreement and/or coverage agreement, if any, does not provide for the consideration, settlement, and/or adjustment of claims prior to legal action being filed by the claimant in a court of competent jurisdiction. Upon the filing of a complaint, the board will immediately refer all claims to the appropriate insurance company or coverage provider for appropriate action.

B. PROCEDURE FOR FILING CLAIM

All claims must be made to the superintendent in writing and must include a detailed account of how the injury occurred, whether board employees were involved, and the amount of damages suffered by the claimant. The claimant should include all supporting documentation and any other information he or she believes is relevant. The superintendent or designee shall investigate the incident and, if necessary, provide supplemental information to the board.

After receiving the claim, the board, in consultation with its attorney, will determine whether to pay the claim, deny the claim, or make an offer to settle the claim.

C. SETTLEMENT

The resolution of claims requires the exercise of discretion by the board. Therefore, to treat similarly situated claimants (claimants who are alike in all relevant respects) alike, the board will be consistent in its settlement practices by using the factors listed below to evaluate all claims. The board recognizes, however, that separate claimants often will be dissimilar with respect to one or more of the relevant factors, so the final decision regarding each claim will be based upon the specific circumstances. All factors need not be given equal weight and no one factor will be controlling. ~~In determining whether to settle a claim prior to the filing of a legal action, the board will consider the factors listed below. Before any final decision is reached, the board attorney shall ensure that these factors were considered by the board in arriving at its final decision.~~

~~1. Whether there is a reasonable possibility that the potential defense costs to be paid by the board, including an estimate of personnel time and school system resources, will exceed the amount for which the case can be settled.~~

1. Whether there was a negligent act or omission by an employee or agent of the board. ~~The extent to which an employee's actions or omissons may have caused or contributed to and injury.~~

2. Whether an employee or agent of the board intentionally caused an injury.

3. Whether an employee or agent of the board violated any board policies.

4. ~~Whether there are any affirmative~~ What, if any, defenses are available to the board in the event of litigation and the viability of those defenses based upon the facts known at the time of settlement consideration. ~~However, the board will not assert or consider the availability of Sovereign/Governmental Immunity for any pre-litigation claim.~~

5. The claimant's likelihood of success in litigation.

6. The likely costs of defending the case.

7. The administrative burden and disruption that litigation would likely cause.

8. Whether the demand is within the retention or deductible level for monetary payments pursuant to any applicable insurance or liability coverage agreement and whether there is, or is likely to be, coverage under such agreements.

9. Goodwill on behalf of the citizens of the school community.

10. The best use of public funds in an effective manner.

~~Each claim will be evaluated based upon the specific circumstances. All factors need not be given equal weight, and no one factor will be controlling.~~

The payment of any claim will be subject to the claimant's execution of a full release of liability in favor of the board, its employees, and its agents. The release must be on a form approved by the board attorney.

By considering whether to settle a claim, the board does not waive any affirmative defenses available to it or its employees, including but not limited to the defenses of governmental, sovereign, qualified, or public official immunity, or contributory negligence. The board may assert these defenses should the claimant choose to file a lawsuit.

Legal References: *Clayton v. Branson*, 170 N.C. App. 438 (2005); *Dobrowolska v. ~~City of Greensboro~~ Wall*, 138 N.C. App. 1 (2000)

Cross References:

Adopted: April 6, 2009