441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (910) 576-6511 • FAX: (910) 576-2044

TO: Board of Education

FROM: Tracy Grit

DATE: December 7, 2020

SUBJ: Agenda Items – Policies for Approval

Attached you will find proposed Policy Code for your consideration.

- Policy 1510/4200/7270 – School Safety
- Policy 1710/4020/7230 – Discrimination and Harassment Prohibited by Federal Law
- Policy 1740/4010 – Student and Parent Grievance Procedure
- Policy 1742/5060 – Responding to Complaints
- Policy 1750/7220 – Grievance Procedure for Employees
- Policy 1760/7280 – Prohibition Against Retaliation
- Policy 2120 – Code of Ethics for School Board Members
- Policy 2121 – Board Member Conflict of Interest
- Policy 3000 – Goals and Objectives of the Educational Program
- Policy 3102 – Online Instruction
- Policy 3300 – School Calendar and Time for Learning
- Policy 3410 – Testing and Assessment Program
- Policy 3460 – Graduation Requirements
- Policy 3620 – Extracurricular Activities and Student Organizations
- Policy 4001 – Equal Educational Opportunities
- Policy 4040/7310 – Staff-Student Relations
- Policy 4400 – Attendance
- Policy 4600 – Student Fees
- Policy 5020 – Visitors to the Schools
- Policy 5030 – Community Use of Facilities
- Policy 5070/7350 – Public Records-Retention, Release, and Disposition
- Policy 6305 – Safety and Student Transportation Services
- Policy 7232 – Discrimination and Harassment in the Workplace
- Policy 7335 – Employee Use of Social Media
- Policy 7510 – Leave

Policy updates: For Approval

There are 35 policies in this update, many of which are need solely to update policy titles to be consistent with our updated policies on discrimination, harassment, sexual harassment, and bullying that we sent earlier this summer. Other items addressed in this policy update involve temporary policies around the effects of COVID-19 on both students and staff.

1510/4200/7270 School Safety

This revision adds temporary revisions from the Department of Health and Human Services (DHHS) to prevent the spread of COVID-19. It also adds the district's need to report criminal acts of violence to law enforcement, the State Board, the State Superintendent of Public Instruction, and the superintendent or designee.

1710/4020/7230 Discrimination and Harassment Prohibited by Federal Law

*This policy was pulled from approval back to first read due to OCR revisions.

The Office of Civil Rights recommends this revision includes a wording change in section D and a sentence replacement in the policy's retaliation section. Simply put, the board will take no reprisal against a complaining party of Discrimination and Harassment, and anyone found to have engaged in retaliation will be subject to discipline, up to and including dismissal.

1740/4010 Student and Parent Grievance Procedure

This revision adds the parent's definition derived from federal law: All references to parents include a student's parent, legal guardian, legal custodian, or another caregiver adult authorized to enroll a student under poliy4120, Domicile, or Residence Requirements.

1742/5060 Responding to Complaints

This revision adds a 7th structural item based upon the updated Discrimination, Harassment, and Bullying federal policies to align with the new Title IX revisions.

1750/7220 Grievance procedure for Employees

This revision is predominately minor editorial changes, and it updates the cross-referenced policies to align with the new federal guidelines.

1760/7280 Prohibition Against Retaliation

This revision is an update to align with federal guidelines and the above policy that references a no retaliation to the grievance complainant.

2120 Code of Ethics for School Board Members

The updated Code of Ethics for School Board Members is recommended from NC General Statutes to add article fourteen.

14. As stated in board policy 2121, Board Members Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the board of the board members spouse, including but not limited to hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind;

2121 Board Member Conflict of Interest

This policy applies article fourteen (see above) to the Board Member Conflict of Interest policy.

3000 Goals and Objectives of the Educational Program

School accreditation was formally completed by AdvanceED and will now be completed by Cognia. This is a State Board of Education update.

3102 Online Instruction

Policy change recognizing the online instruction or remote instruction may be instituted during exigent circumstances and authorized by NC General Statute and the NC School Board.

3300 School Calendar and Time for Learning

Adds a temporary statement regarding the modified school year due to COVID-19. The temporary modification was approved in the NC Legislation.

3410 Testing and Assessment Program

This policy revision reflects the NC School Board's changes to remove NC Final exams that are no longer administered and consistently update the CTE assessment names. Now CTE is referred to as CTE State Assessment.

3460 Graduation Requirements

This State School Board Policy update includes adding a 4th Social Studies course as a requirement for graduation in NC for students entering 9th grade in 2020-21.

New *Economics and Personal Finance.

1. World History
2. Civic Literacy
3. Economics and Personal Finance *
4. American History

3620 Extracurricular Activities and Student Organizations

This NC School Board policy update deletes a repetitive sentence in section A.

4001 Equal Educational Opportunities

The policy update makes various revisions in the first paragraph to clarify the board's obligation under state and federal law to provide equal educational opportunities.

4040/7310 Staff-Student Relations

*This policy was pulled from approval back to first read due to OCR revisions.

This NC School Board revision allows teachers to meet with students in an online setting during regular school hours using electronic video conferencing technology. Staff is required to notify the supervisor when the individual meetings are taking place.

4400 Attendance

The temporary revision of the NC School Board policy for attendance addresses how attendance is handled remotely.

4600 Student Fees

The NC School Board requires us to post our student fees by October 15th each year. We currently have the fees updated in the handbook before the start of the school year, and it's posted on our website.

5020 Visitors to the Schools

This is a temporary restriction from the NC School Board on "Nonessential" Visitors to School Facilities due to COVID-19.

5030 Community Use of Facilities

This policy revision is a temporary restriction from the NC School Board on the community use of facilities during COVID-19. There is some wiggle room on this in the event of a preexisting long term contract. In the event of long-term contracts, the school board attorney will be utilized.

5070/7350 Public Records-Retention, Release, and Disposition

This NC State School Board policy revision keeps pension spiking confidential, maintaining that it will not be released publicly.

6305 Safety and Student transportation Services

This is a temporary NC State School Board policy revision in compliance with DHHS limitations for social distancing on the school bus due to COVID-19.

7232 Discrimination and harassment in the Workplace

*This policy was pulled from approval back to first read due to OCR revisions.

This policy revision is another Office of Civil Rights update denouncing retaliation for reporting.

7335 Employee Use of Social Media

This NC School Board policy aligns with policy 3102/4040 staff and student relations and online learning and the use of video conferencing with students. Also, there are cross-references for new federal law included in item 10 and the footnotes.

7510 Leave

This NC School Board temporary policy revision requires employees to provide health certificates from a medical professional as a condition of returning to work following isolation due to COVID-19.

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 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.

~~Every principal is required to~~ 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 ~~1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bulling, 1720/4015/7225, Discrimination, Harassment, and Bulling Complaint Procedure,~~ 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, ~~and~~ 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: G.S. 14-208.18; 115C-36, -47, -105.49, -105.51, -105.53, -105.54, -166, -167, -288, -289.1, -307, -390.3, -391.1, -521, -524, -525; State Board of Education Policies SSCH-000, SCFC-005

Cross References: ~~Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225),~~ 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

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), 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 ~~unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information~~ 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; 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:

# STUDENT AND PARENT GRIEVANCE PROCEDURE

*Policy Code:* **1740/4010**

## A. OPTIONS FOR RESOLVING COMPLAINTS

The board strives to resolve concerns and complaints of students and parents whenever possible. To this end, the board has provided opportunities for students and parents to express their concerns through processes established in board policies. Policy 1742/5060, Responding to Complaints, identifies these different processes, including a mechanism for resolving complaints in an informal manner.

While the board encourages resolutions of complaints through informal means, it recognizes that, at times, a formal process may be necessary for certain types of complaints or if the informal process did not produce satisfactory results. This policy provides a complaint procedure that may be used as described below.

Any parent or student who has questions about the options for proceeding with a complaint or concern may contact the principal or superintendent for further information and copies of all applicable board policies.

## B. DEFINITIONS

1. Days

   Days are working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following the receipt of the grievance. After May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal complaint regarding specific decisions made by school personnel that alleges that such decisions have adversely affected the person making the complaint. A grievance includes, but is not limited to, circumstances such as when a student or parent believes that board policy or law has been misapplied, misinterpreted, or violated. The term "grievance" does not include any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board is without authority to act. ~~Claims of discrimination, harassment~~

~~or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.~~

4. Grievant

   The grievant is the parent, student, or group of parents or students submitting the grievance.

5. Parent

   All references to parent include a student's parent, legal guardian, legal custodian, or another caregiver adult authorized to enroll a student under policy 4120, Domicile or Residence Requirements.

~~5. Official~~

~~The official is the school system employee hearing and responding to the grievant.~~

## C. TIMELINESS OF PROCESS

The number of days indicated at each step of the grievance process should be considered a maximum, and every effort should be made to expedite the process.

Failure by ~~the~~ a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays that interfere with the exercise of the grievant's legal rights are not permitted.

Failure by the grievant at any step of the process to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at the current step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

## D. GENERAL REQUIREMENTS

1. No reprisals of any kind will be taken by the board or by an employee of the school system against any grievant or other student or employee because of his or her participation in a grievance filed and decided pursuant to this policy.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear grievances from a group of grievants, but the board and officials have the discretion to hear

and respond to grievants individually.

4. The grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel. At any meeting or hearing during the grievance process, a student grievant may be accompanied by a parent as well as a representative.

## E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. Whenever a student or parent ~~or guardian~~ believes that he or she has been adversely affected by a decision of a school employee, the student or parent ~~or guardian~~ may file a grievance as provided in this policy.

   b. A grievance must be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after the 30 day period that claims a violation, misapplication or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, students~~,~~ and parents ~~and guardians~~ should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   c. A student or parent ~~or guardian~~ who has a grievance must provide the following information in writing to the principal: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s) or action(s) at issue; (3) any board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the parent ~~or guardian~~ or student believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision or action at issue and no concern that state or federal law has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060 is appropriate, and the principal shall address the concern following that policy.

   d. Even if the principal is the employee whose decision or action is at issue, the student or parent must submit the grievance first to the principal in order for the principal to address the issue within the formal process. If, however, the grievance claims that a state or federal law has been misapplied,

misinterpreted, or violated, the student or parent may submit the grievance directly to the superintendent or designee.

e. If a student or parent wants to initiate a formal grievance regarding a decision by the superintendent that directly and specifically affects the student or parent, the general process described in this policy will be used, except that the grievance will be submitted to the assistant superintendent of human resources, who shall forward the grievance to the board chairperson.

2. Investigation

a. The principal shall schedule and hold a meeting with the ~~student and/or parent~~ grievant ~~or guardian~~ within five school days after the grievance has been filed with the principal. ~~The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student.~~

b. The principal shall conduct any investigation of the facts necessary before rendering a decision.

3. Response by Principal

a. The principal shall provide a written response to the ~~written~~ grievance within 10 days of ~~the~~ meeting with the grievant. The response will include the principal's decision regarding resolution of the grievance and the basis for the decision. In responding, the principal may not disclose information about other students or employees that is considered confidential by law.

b. A copy of the grievance and the principal's response will be filed with the superintendent.

4. Response by Superintendent

a. If the grievant is dissatisfied with the principal's decision, the grievant may appeal the decision to the superintendent. The appeal must be made in writing within five days of receiving the principal's decision.

b. The superintendent may review the written documents and respond or the superintendent may schedule and hold a conference with the grievant, principal, and any other individuals the superintendent determines to be appropriate within five school days after receiving the appeal. ~~The student may be accompanied by a parent, legal guardian or other person who is in a position of *loco parentis* to the student~~

c. The superintendent shall provide a written response within 10 days after

receiving the appeal. In responding, the superintendent may not disclose information about other students or employees that is considered confidential by law.

5. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant will have the right to appeal a final administrative decision to the board of education (see subsection E.5.a, Mandatory Appeals, below). If a grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.5.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, the grievant may appeal the decision to the board within five days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is dissatisfied with the superintendent's response to his or her grievance but has *not* alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board of education policy or procedure, then within five days of receiving the superintendent's response, the grievant may submit to the superintendent a written request for a hearing before the board of education.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the

decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## F. NOTICE

The superintendent or designee is responsible for providing effective notice to students, parents and school system employees of the procedures for reporting and investigating grievances.

## G. RECORDS

Appropriate records shall be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16; 150B-43 *et seq*.

Cross References: ~~Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225),~~ Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500), Domicile or Residence Requirements (policy 4120), Student Behavior Policies (4300 series)

Adopted: March 6, 2000
Updated: May 4, 2009
Updated: March 1, 2010
Updated: June 3, 2013

## A. OPPORTUNITIES TO ADDRESS CONCERNS AND COMPLAINTS

The board is committed to providing an effective means for parents and the community to voice concerns and complaints. The board also strives to resolve concerns and complaints whenever possible. To this end, the board has established the following processes:

1. informal resolutions of specific concerns (see Section B, General Process, below);

2. public hearings and public comments at board meetings on subjects of concern to parents and the community (policy 2310, Public Participation at Board Meetings);

3. a procedure for parental concerns regarding the curriculum (policy 3210, Parental Inspection of and Objection to Instructional Materials);

4. specific processes for addressing disciplinary consequences (policies in the 4300 series);

5. processes as provided by law for students with disabilities (policies 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, 3520, Special Education Programs/Rights of Students with Disabilities, and 4307, Disciplinary Action for Exceptional Children/Students with Disabilities); ~~and~~

6. a grievance procedure~~s~~ for addressing concerns regarding specific decisions, especially when there are concerns that board policy or law has been misapplied, misinterpreted, or violated~~, including discrimination claims on the basis of sex or disability~~ (policy~~ies~~ 1740/4010, Student and Parent Grievance Procedure~~, and 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure~~); and

7. procedures for reporting and resolving complaints of discrimination, harassment, or bullying on the basis of sex, disability, or other personal characteristic (policies 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process; 1726/4036/7237, Title IX Sexual Harassment Grievance Process; and 4329/7311, Bullying and Harassing Behavior Prohibited).

Numerous other policies provide opportunities for parental input, including policy 1310/4002, Parental Involvement.

## B. GENERAL PROCESS

Complaints that are not specifically designated to be addressed in other policies should be

addressed in the following manner.

1. The complaint should be received and addressed at the level closest to which the complaint originated. For example, a complaint regarding a classroom issue should be heard first by the teacher. A complaint regarding the school in general should be addressed first by the principal.

2. Any board member or employee receiving a complaint should verify that the complaint has been appropriately referred to him or her and if not, assist the complainant by identifying the appropriate personnel to receive the complaint.

3. Once appropriately referred, if the complainant is not satisfied with the response to the complaint, the complainant should be informed of the options for further review of the complaint.

4. A complaint or series of complaints that raise significant issues about the educational program or the operation of the schools is an opportunity to further examine the success of the school system in meeting its goals and objectives. When feasible, a group representing various perspectives and interests, such as teachers, administrators, students, and parents, should discuss the issue and make recommendations to appropriate personnel or to the board.

The superintendent shall communicate the requirements in this policy to board members and employees on a regular basis.

Legal References: G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002), 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), ~~Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225),~~ Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Public Participation at Board Meetings (policy 2310), Parental Inspection of and Objection to Instructional Materials (policy 3210), Special Education Programs/Rights of Students with Disabilities (policy 3520), Student Behavior Policies (4300 series), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Bullying and Harassing Behavior Prohibited (policy 4329/7311)

Adopted: March 6, 2000
Updated: June 29, 2009
Updated: August 3, 2010
Updated: December 7, 2015

It is the policy of the board, in keeping with the ultimate goal of serving the educational welfare of children, to develop and practice reasonable and effective methods of resolving difficulties that may arise among employees. The intent is to reduce potential areas of grievances and to establish and maintain recognized channels of communications between staff and administration. The purpose of this procedure is to secure, at the lowest possible level, equitable solutions to the problems that arise from time to time and affect employees.

## A. INFORMAL RESOLUTION

It is desirable for an employee and his or her immediate supervisor to resolve problems through free and informal communication. When informal procedures fail or are inappropriate or when the employee requests formal procedures, a grievance will be processed pursuant to the steps set forth in this policy.

## B. DEFINITIONS

1. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days, or holidays, as set forth in the aggrieved employee's employment calendar. In counting days, the first day will be the first full working day following receipt of the grievance. When a grievance is submitted on or after May 1, time limits will consist of all weekdays (Monday – Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

2. Final Administrative Decision

   A final administrative decision is a decision of a school employee from which no further appeal to a school administrator is available.

3. Grievance

   A grievance is a formal written claim by an employee regarding specific decision(s) made by another employee and alleging that such decision(s) have adversely affected the person making the claim. A grievance may include, but is not limited to, the following allegations:

   a. that there has been a violation, misapplication, or misinterpretation of state or federal law or regulations, school board policy, or administrative procedure;

   b. that an employee's employment status or the terms or conditions of his or her employment have been adversely affected; or

c. that there exists a physical condition that jeopardizes an employee's health or safety or that interferes with an employee's ability to discharge his or her responsibilities properly and effectively.

The term "grievance" does not apply to any matter for which the method of review is prescribed by law, for which there is a more specific board policy providing a process for addressing the concern, or upon which the board of education is without authority to act. ~~Claims of discrimination, harassment, or bullying must be processed under policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.~~

4. Grievant

The grievant is the employee(s) making the claim.

~~5. Official~~

~~The official is the person hearing and responding to the grievant.~~

~~6.~~5. Parties in Interest

"Parties in interest" refers to the grievant and the person against whom the grievance is filed.

## C. TIMELINESS OF PROCESS

Failure by ~~the~~ a school system official at any step to communicate a decision within the specified time limit will permit the grievant to appeal the grievance to the next step unless the official has notified the grievant of the delay and the reason for the delay, such as the complexity of the investigation or report. The official shall make reasonable efforts to keep the grievant apprised of progress being made during any period of delay. Delays may not impermissibly interfere with the exercise of the grievant's legal rights.

Failure by the grievant at any step to appeal a grievance to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the grievant has notified the appropriate school system official of a delay and the reason for the delay and the official has consented in writing to the delay.

## D. GENERAL REQUIREMENTS

1. At all times during the grievance process, ~~A~~all parties in interest and their representatives ~~in any grievance filed pursuant to this policy~~ shall must conduct themselves in a professional manner, including respecting the confidentiality of personnel matters ~~at all times during the investigation and hearing of the grievance~~.

2. The board or an employee of the school system will take no reprisals of any kind against any party in interest or other employee on account of his or her participation in a grievance filed and decided pursuant to this policy.

3. Each decision will be in writing, setting forth the decision and reasons therefore, and will be transmitted promptly to all parties in interest.

4. All meetings and hearings conducted pursuant to this policy will be private.

5. The board and ~~school system~~ administration will consider requests to hear grievances from a group of grievants~~,~~ but ~~the board and officials~~ have the discretion to hear and respond to grievants individually.

6. The board and administration will cooperate with the ~~employee~~ grievant and representative in the investigation of any grievance and will furnish the ~~employee~~ grievant or representative information pertinent to the grievance without cost to the grievant ~~employee~~ or the employee against whom the grievance is filed.

7. The ~~employee~~ grievant may have a representative, including an attorney, at any stage of the grievance. However, if the grievant intends to be represented by legal counsel, he or she must notify the appropriate school official in advance so that school personnel also will have the opportunity to be represented by legal counsel.

8. Should, in the judgment of the superintendent or designee, the investigation or processing of any grievance require the absence of the grievant and/or representative from regular work assignments, such absences will be excused without loss of pay or benefits.

## E. PROCESS FOR GRIEVANCE

1. Filing a Grievance

   a. A grievance must be filed as soon as possible but no longer than 30 days after disclosure or discovery of the facts giving rise to the grievance. For a grievance submitted after 30 days that claims a violation, misapplication, or misinterpretation of state or federal law, the superintendent or designee shall determine whether the grievance will be investigated after considering factors such as the reason for the delay; the extent of the delay; the effect of the delay on the ability of the school system to investigate and respond to the complaint; and whether the investigation of the complaint is necessary to meet any legal obligations. However, employees should recognize that delays in filing a grievance may significantly impair the ability of the school system to investigate and respond effectively to such complaints.

   b. All grievances must be in writing, and the written statement of grievance must remain the same throughout all steps of the grievance procedure. The

written grievance must include the following information: (1) the name of the school system employee or other individual whose decision or action is at issue; (2) the specific decision(s), action(s), or physical condition at issue; (3) any local board policy, state or federal law, state or federal regulation, or State Board of Education policy or procedure that the grievant believes has been misapplied, misinterpreted, or violated; and (4) the specific resolution desired. If there is not a specific decision, action, or physical condition at issue, or no concern that federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure has been misapplied, misinterpreted, or violated, then the procedure established in policy 1742/5060, Responding to Complaints, is appropriate, and the principal or immediate supervisor shall address the concern following that policy.

c. The employee(s) shall present the grievance in writing to his or her immediate supervisor or the supervisor's designee, unless the grievance alleges that a state or federal law has been misapplied, misinterpreted, or violated, in which case the grievance may be presented instead to the assistant superintendent of human resources (or to the superintendent if the ~~grievant's~~ employee's supervisor is the assistant superintendent of human resources). The person receiving the grievance hereinafter will be referred to as "official." Any grievance against the superintendent should be filed directly with the board in accordance with subsection E.4, below.

2. Response by Official

a. The official shall arrange for a grievance file number to be assigned by the human resources office.

b. In the event the official determines at the outset that review by the official is inappropriate, the official shall forward the formal grievance to the superintendent who will investigate and respond as provided below in subsection E.3.

c. The official shall meet with the grievant ~~A meeting will take place~~ at a mutually agreed-upon time within five days after receipt of the grievance.

d. The official shall conduct any investigation of the facts necessary before rendering a decision.

e. The official shall provide the ~~aggrieved employee(s)~~ grievant with a written response to the grievance within 10 days after the meeting.

3. Response by Superintendent

a. If the grievant is dissatisfied with the official's response, the grievant may

appeal in writing the decision to the superintendent for review by the superintendent or designee within five days of receipt of the official's response.

b. The superintendent or designee shall arrange for a meeting with the ~~employee(s)~~ grievant to take place within five days of the receipt of the appeal.

c. The superintendent or designee shall conduct any investigation necessary before arriving at a decision. The superintendent or designee shall provide the ~~aggrieved employee(s)~~ grievant with a written decision within 10 days after the meeting with the grievant.

4. Appeal to the Board

If the grievant has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant shall have a right to appeal a final administrative decision to the board of education (see subsection E.4.a, Mandatory Appeals, below). If the grievant has not alleged such specific violations, he or she may request a board hearing, which the board may grant at its discretion (see subsection E.4.b, Discretionary Appeals, below).

a. Mandatory Appeals

1) If the grievant is not satisfied with the superintendent's response and has alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may appeal in writing the decision to the board within 10 days of receiving the superintendent's response.

2) A hearing will be conducted pursuant to policy 2500, Hearings Before the Board.

3) The board will provide a final written decision within 30 days of receiving the appeal unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

b. Discretionary Appeals

1) If the grievant is not satisfied with the superintendent's response but

has not alleged a violation of a specified federal or state law, federal or state regulation, State Board of Education policy or procedure, or local board policy or procedure, or has not alleged that a specific decision of a school official adversely affects the grievant's employment status or the terms or conditions of his or her employment, the grievant may submit to the superintendent a written request for a hearing before the board of education within 10 days of receiving the superintendent's response.

2) If the full board will be meeting within two weeks of the request for a hearing, the board will decide at that time whether to grant a hearing. Otherwise, the board chairperson will appoint a three-person panel to review the request and determine whether to (1) deny the appeal; (2) review the superintendent's decision on the written record only; or (3) grant a hearing. The panel will report the decision to the board. The board may modify the decision of the panel upon majority vote at a board meeting.

3) If the board denies the appeal, the decision of the superintendent will be final and the grievant will be notified within five days of the board's decision.

4) If the board decides to grant a hearing, the hearing will be conducted pursuant to policy 2500.

5) The board will provide a final written decision within 30 days of the decision to grant an appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## F. RECORDS

Appropriate records ~~shall~~ will be maintained in accordance with state and federal law.

Legal References: G.S. 115C-45(c); 126-16

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Responding to Complaints (policy 1742/5060), Hearings Before the Board (policy 2500)

Adopted: March 6, 2002
Updated: August 5, 2002
Updated: April 6, 2009
Updated: April 13, 2010
Updated: June 3, 2013
Updated: June 1, 2015

Board members and employees are expected to be honest and ethical in the performance of their duties and to comply with applicable federal, state, and local laws, policies, and regulations. The board encourages employees to report possible financial improprieties, ethical violations, and other illegal practices and intends that employees who report such matters in good faith will not be subject to retaliation or other adverse employment consequences.

If an employee reasonably believes that (1) there has been a violation of federal, state, or local law, policy, or regulation, public policy, or an individual's ethical duties and (2) the violation is due to a practice, policy, act, or omission of the board of education, an individual board member, a school system employee, or an entity/person with whom the school system has a business relationship, the employee should report that matter in accordance with policy 1750/7220, Grievance Procedure for Employees, unless a policy with a more specific reporting or complaint procedure applies ~~or policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure~~. Any complaint alleging a violation by the superintendent or the board should be filed with the board chair for investigation. The board chair will report the complaint to the board, and the board will authorize a prompt and thorough investigation or other action as necessary.

The board prohibits and will not tolerate any form of reprisal, retaliation, or discrimination against any employee who (1) in good faith, has made or intends to make a report of wrongdoing described in this policy; or (2) has refused to carry out a directive which may constitute a violation of federal, state, or local law, policy, or regulation, or poses a substantial or specific danger to public health and safety.

To be protected by this policy, employees who report violations or suspected violations must be acting in good faith based on a reasonable belief that the reported information represents an unlawful activity, policy, or practice. The protection extends to those whose allegations are made in good faith but prove to be mistaken. The board reserves the right to discipline employees who know or have reason to believe that the report is inaccurate. Further, except as otherwise required by law, the provisions of this policy apply only to those situations in which an employee brings the alleged unlawful activity, policy, or practice to the attention of school officials or the board and provides school officials or the board with a reasonable opportunity to investigate and correct the alleged unlawful activity. If necessary, school officials or the board may specify reasonable steps to protect the complaining employee from retaliation.

Each employee will receive a copy of this policy and will sign a statement verifying his or her receipt and understanding of this policy.

Legal References: Sarbanes-Oxley Act, 18 U.S.C. 1513(e); G.S. 115C-335.5; 126-5(c5), -84, -85, -86, -87, -88

Cross References: ~~Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225),~~ 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), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Employees (policy 1750/7220), Code of Ethics for School Board Members (policy 2120), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Discrimination and Harassment in the Workplace (policy 7232), Staff Responsibilities (policy 7300), Employee Conflict of Interest (policy 7730)

Adopted: April 2009
Updated: May 4, 2010
Updated: June 6, 2016

# CODE OF ETHICS
# FOR SCHOOL BOARD MEMBERS

*Policy Code:* **2120**

The board recognizes that, collectively and individually, all members of the board must adhere to a code of ethics as required by G.S. 160A-86 and G.S. 115C-47(57).

## A. BOARD MEMBER ETHICAL REQUIREMENTS

The following standards will guide each board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a board member;

2. the need to uphold the integrity and independence of the board member's office;

3. the need to avoid impropriety in the exercise of the board's and board member's official duties;

4. the need to perform faithfully the duties of the office; and

5. the need to conduct the affairs of the board in an open and public manner, complying with all applicable laws governing open meetings and public records.

## B. SPECIFIC BOARD MEMBER COMMITMENTS

In order to implement the above standards, each member of the board commits to do the following:

1. attend all regularly scheduled board meetings insofar as possible and become informed concerning the issues to be considered at those meetings;

2. endeavor to make policy decisions while always keeping in mind the objective of providing students the opportunity to receive a sound basic education and only after full discussion at publicly held board meetings;

3. render all decisions based on the available facts and independent judgment and refuse to surrender that judgment to individuals or special interest groups;

4. model civility to students, employees, and all elements of the community by encouraging the free expression of opinion by all board members and engaging in respectful dialogue with fellow board members on matters being considered by the board;

5. respect the confidentiality of information that is privileged under applicable law

and refrain from unauthorized disclosure of matters discussed in closed session;

6. work with other board members to establish effective board policies and to delegate authority for the administration of the schools to the superintendent;

7. communicate to other board members and the superintendent expressions of public reaction to board policies and school programs;

8. learn about current educational issues by individual study and through participation in programs providing needed information, such as those sponsored by the state and national school boards associations;

9. comply with North Carolina General Statute 115C-50 by earning the required 12 hours of training every two years;

10. comply with G.S. 160A-87 by earning two hours of ethics education within 12 months of election or appointment to the board;

11. support the employment of those persons best qualified to serve as school employees and avoid allowing personal relationships and biases to influence decision making;

12. refrain from investigating or attempting to resolve complaints received personally, but instead direct the complainant to follow the board's complaint or grievance process to resolve concerns;

13. avoid being placed in a position of conflict of interest and refrain from using the board member's position on the board for personal or partisan gain;

14. as stated in board policy 2121, Board Member Conflict of Interest, refrain from participating in, deliberating on, voting on, or attempting to influence any person with respect to any matter pertaining to the employment with the board of the board member's spouse, including but not limited to hiring, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind;

15. take no private action that will compromise the board or administration; and

16. remember always that a board member's first and greatest concern must be the educational welfare of the students attending the public schools.

All newly elected board members are expected to sign a code of ethics statement that includes these provisions at the organizational meeting of the board.

Legal References: G.S. 115C-36, -47(1), -47(57), -50; 160A-86, -87; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References: Board Member Conflict of Interest (policy 2121), Board Member Opportunities for Development (policy 2123)

Adopted: May 3, 2010
Updated: January 11, 2016

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

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

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

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

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

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

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

    A board member derives a direct benefit from a contract if the board member or his or her spouse does any of the following: (1) has more than a 10 percent ownership or other interest in an entity that is a party to the contract; (2) derives any income or commission directly from the contract; or (3) acquires property under the contract. An exception is allowed for employment contracts between the board and the spouse of a board member.

However, the board member involved will not (1) deliberate or vote on the spouse's employment contract; ~~or~~(2) attempt to influence any other person who is involved in making or administering the contract; or (3) participate in, deliberate on, vote on, or attempt to influence any person with respect to any other matter pertaining to the board member's spouse's employment with the school system, including but not limited to hiring, contract renewal, transfer, promotion, demotion, suspension, discipline, performance evaluation, or review or investigation of a complaint of any kind.

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

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

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

   Multiple permitted items from a single contractor, subcontractor, or supplier may not exceed an aggregate value of $100 in a twelve-month period.

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

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

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

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

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

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

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

# GOALS AND OBJECTIVES
# OF THE EDUCATIONAL PROGRAM

*Policy Code:* **3000**

It is the goal of the board that every student be provided the opportunity to receive a sound basic education and graduate from high school prepared for work, further education, and citizenship. The board recognizes the critical role of parents, governmental and nonprofit agencies, businesses, and the community in helping individual students and the school system meet this goal. To ensure that the educational program meets rigorous academic standards, the board will strive to maintain accreditation of its schools by ~~AdvancED~~ Cognia and/or the State Board of Education.

A successful educational program also depends on innovation at the individual school level. The board is committed to allowing administrators at individual schools to develop and implement plans necessary to ensure the educational success of their students.

The board will provide an educational program that offers students the opportunity to receive a sound basic education. The program will meet statewide instructional standards as prescribed by the State Board of Education. The board believes that the administrators of the educational program must strive to provide each student with the opportunity to:

1. develop sufficient ability to read, write, and speak the English language and a sufficient knowledge of fundamental mathematics, and physical science to function in a complex and changing society;

2. develop sufficient knowledge of geography, history, and basic economic and political systems to make informed choices with regard to issues that affect the student personally or affect the student's community, state, and nation;

3. develop sufficient academic and career and technical skills to successfully engage in post-secondary or advanced or highly skilled career and technical education and to compete on an equal basis with others in further formal education or gainful employment in contemporary society;

4. learn to be responsible for and accept the consequences of his or her conduct and academic performance;

5. develop the capacity to examine and solve problems;

6. foster respect and appreciation for cultural and ideological diversity and differences;

7. develop the ability to be productive in a team environment;

8. learn and acquire the skills necessary for a lifetime of continuous learning and adaptation to change in the workplace and society;

9. prepare for challenging curriculum beyond secondary school and, when appropriate,

complete high school courses required for college entry in less than four years;

10. achieve high levels of success in a rigorous curriculum;

11. acquire the skills needed for technological literacy in a rapidly changing world; and

12. remain in school and earn a high school diploma and, when appropriate, earn additional college credit.

These goals and objectives of the educational program will be used to guide administrators, teachers, and the board in all of their duties, including curriculum development, selection of materials, and issues related to instructional time.

Legal References: G.S. 115C art. 8 pt. 1; 115C-12(32), -12(39), -36, -47, -151; *Leandro v. State*, 346 N.C. 336 (1997); State Board of Education Policies ACCR-000, GRAD-006, SCOS-016

Cross References: Board Authority and Duties (policy 1010), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Counseling Program (policy 3610)

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: January 11, 2016
Updated: December 4, 2017

## A. ONLINE INSTRUCTION GENERALLY

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

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

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

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

## B. REMOTE LEARNING

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

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

Cross References: Dual Enrollment (policy 3101)

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

The board believes that time is a variable in the educational process and that children 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

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. OPENING AND CLOSING DATES

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.

Upon a showing of good cause, as defined by G.S. 115C-84.2(d), the board will 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.

The board may initiate or review recommendations from the superintendent or a school improvement team for modifying the 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. 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 least

two 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 make-up 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; ~~*N.C. Employment Benefits and*~~ *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

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

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

## A. ADMINISTRATION OF TESTS, SCREENINGS, AND OTHER ASSESSMENTS

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

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

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

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

## B. HIGH SCHOOL ~~FINAL EXAMS AND~~ END-OF-COURSE TESTING

High school students must take all end-of-course (EOC) tests~~, NC Final Exams~~ and Career and Technical Education (CTE) State Assessments ~~(CTE Post-Assessments)~~ required by the State Board of Education. For all students, including English Learner students in their

first year in a U.S. school and students following the Occupational Course of Study Pathway, the results of EOC tests~~, NC Final Exams,~~ and CTE ~~Post~~ State Assessments will count as 20 percent of a student's final grade in each high school course for which there is an EOC test~~, NC Final Exam,~~ or CTE ~~Post~~ State Assessment. However, the results of such assessments will not factor into a student's final grade in a course during the initial implementation year of a new assessment for that course where scores are not immediately available due to standard setting. ~~Further, CTE students who earn a credential that is approved under Department of Public Instruction guidelines as evidence of technical skill attainment will not be required to take the CTE Post Assessment in the course.~~

## C. MINIMIZING TIME SPENT TESTING

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

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

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

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

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

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

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

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other Resources: *Testing Security: Protocol and Procedures for School Personnel* (NCDPI), available at ~~https://files.nc.gov/dpi/documents/files/testing_security18.pdf~~ https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations/testing-security; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at https://www.dpi.nc.gov/districts-schools/testing-and-school-accountability/testing-policy-and-operations

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: March 6, 2010
Updated: December 6, 2011
Updated: January 14, 2013
Updated: June 3, 2013
Updated: June 2, 2014
Updated: December 8, 2014
Updated: June 6, 2016
Updated: June 5, 2017
Updated: December 3, 2018
Updated: July 6, 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 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 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 ~~Literary~~ 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.)± | |
| **Total Credits** | **22** | |

* 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.

*** 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-graduation-requirement-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.

± 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 ~~and Thereafter~~

| **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^; ~~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.)‡ | |
| **Total Credits** | **22** | |

* 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.

*** 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-graduation-requirement-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 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 Occupational Preparation 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***) | |
| Electives | 0 | |
| Other Requirements | • Completion of IEP objectives<br>• 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.
*** 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.

4. Future-Ready Occupational Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2020-2021 ~~and Thereafter~~ (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 Founding Principles of the United States of America and North Carolina: Civic Literacy and Economics and Personal Finance) | |
| Health/P.E. | 1 | |
| Career/Technical | 4 (Career/Technical Education electives) | |

| | | |
|---|---|---|
| Occupational Preparation | 6 (including Occupational Preparation 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*) | |
| Electives | 0 | |
| Other Requirements | • Completion of IEP objectives<br>• Career Portfolio | |
| **Total Credits** | **22** | |

* 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.

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

High school students must take all end-of-course (EOC) tests, Career and Technical Education (CTE) State Assessments ~~(CTE Post-Assessments), and any other applicable exams or 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; State Board of Education Policies CCRE-001, GRAD-004, GRAD-007, GRAD-008, GRAD-010, TEST-003

Cross References: Goals and Objectives of the Educational Program (policy 3000), Dual Enrollment (policy 3101), Testing and Assessment Program (policy 3410), Student Promotion and

Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

Adopted: March 6, 2000
Updated: June 4, 2007
Updated: June 1, 2009
Updated: December 7, 2009
Updated: May 3, 2010
Updated: November 3, 2010
Updated: September 14, 2011
Updated: January 14, 2013
Updated: June 3, 2013
Updated: June 3, 2014
Updated: October 6, 2014
Updated: June 1, 2015
Updated: December 7, 2015
Updated: November 7, 2016
Updated: January 9, 2017
Updated: December 4, 2017
Updated: July 6, 2020

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 and 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; (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 developed by the superintendent or the principal to all parents, guardians, and students.

~~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.~~

## 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**] [**not eligible to participate in interscholastic athletics**]**.

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 Students

School administrators shall facilitate the inclusion and participation of transitioning military children in extracurricular activities, to the extent they are otherwise qualified, by:

a. providing information about extracurricular activities to transitioning 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.

## 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; 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; 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)

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: May 4, 2010
Updated: June 1, 2015
Updated: June 6, 2016
Updated: November 7, 2016
Updated: December 4, 2017
Updated: December 2, 2019
Updated: July 6, 2020

The board affirms the principle that every student ~~regardless of race, creed, color, national origin, sex, cultural or economic background, or disability,~~ should be given an equal opportunity for a sound basic education. Furthermore, no student, on the basis of any characteristic protected by federal or state law, ~~sex, marital status, pregnancy, or parenthood,~~ will be excluded from participating in the programs and services of the school system ~~denied the benefits of,~~ or otherwise be subjected to discrimination under any educational program or activity conducted by the school system. The school system will treat its students without discrimination in accordance with applicable law with regard to course offerings, athletics, counseling, employment assistance, ~~and~~ extracurricular activities, and educational resources.

Any student, or parent or guardian who feels that this policy has been misinterpreted, misapplied, or violated may file a complaint in accordance with policy ~~1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure~~ 1710/4020/7230, Discrimination and Harassment Prohibited by Federal Law; policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex; policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities; or policy 1740/4010, Student and Parent Grievance Procedure, as appropriate.

~~The superintendent shall develop appropriate procedures to ensure that public education is provided to each qualified student with disabilities in accordance with 34 C. F. R. pt. 104, subpart D.~~

Legal References: Americans ~~W~~with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1701 *et seq.*; 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 IV of the Civil Rights Act of 1964, 42 U.S.C. 2000c *et seq.*; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 115C-1, -367~~; art.9~~, -375.5, -407.15 through -407.18, -407.30; *Leandro v. State*, 346 N.C. 336 (1997); *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: ~~Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225),~~ Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Education for Pregnant and Parenting Students (policy 4023)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: August 3, 2010

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 ~~1720/4015/7225~~ 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex. ~~Discrimination, Harassment, and Bullying Complaint Procedure~~.

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 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 or causing a child to commit a sexual act, regardless of consent and the age of the child. 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); 16 N.C.A.C. 6C .0312, .0601, .0602; State Board of Education Policies EVAL-014, LICN-007, NCAC-039

Cross References: Governing Principle – Removal of Barriers (policy 1700), ~~Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225)~~ 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)

Adopted: April 10, 2000
Updated: April 6, 2009
Updated: August 3, 2010
Updated: December 7, 2015
Updated: November 7, 2016
Updated: December 4, 2017
Updated: December 2, 2019
Updated: July 6, 2020

~~Attendance in school and participation in class~~ 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.

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

## B. 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. 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 State Board of Health;
3. death in the immediate family;
4. medical or dental appointment;
5. 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.

## C. SCHOOL-RELATED ACTIVITIES

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;

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

6. in-school suspensions.

Assignments missed for these reasons are eligible for makeup by the student. 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. EXCESSIVE 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 absences. Students may be suspended for up to two days for truancy.

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.

Students with excused absences due to documented chronic health problems are exempt from this policy. In addition, 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.

Excessive absences may impact eligibility for participation in interscholastic athletics. See 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; 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), Short-Term Suspension (policy 4351)

Adopted: April 10, 2000
Amended: June 3, 2002
Amended: April 2, 2007
Updated: September 15, 2010
Updated: January 20, 2011
Updated: May 2, 2011
Updated: September 13, 2011
Updated: June 3, 2013
Updated: June 4, 2018
Updated: December 2, 2019

The board will hold student fees to a minimum. No fee will be charged for required courses or activities. In addition, to the extent funds are made available for this purpose, no registration or exam fees will be charged for Advanced Placement courses, International Baccalaureate Diploma Programme courses, or Cambridge Advanced International Certificate of Education courses, including AS-Level or A-Level courses.

Each principal is required to submit a list of any fees to the superintendent prior to the August board meeting. The superintendent shall adopt procedures providing that student fees, including those for graduation, the school yearbook or supplies for elective classes, are consistent among the different levels and schools. The board must approve all fees. The superintendent shall ensure that the schedule of fees, charges, and solicitations approved by the board is published on the school system's website by October 15 of each school year and, if the schedule is subsequently revised, within 30 days following the revision ~~submit the schedule of approved fees and charges to the superintendent of public instruction~~.

Any fees imposed will be waived or reduced for students who demonstrate economic hardship. The superintendent shall establish procedures to review requests for fee waivers or reductions. Each principal shall ~~publish or post the schedule of fees~~ and notify students and parents of the availability of and the process for requesting a fee waiver or reduction, as provided in policy 1310/4002, Parental Involvement.

Legal References: N.C. Const. art. IX, § 2(1); G.S. 115C-47(6), -174.26(a), -216(g), -384

Cross References: Parental Involvement (policy 1310/4002)

Adopted: April 10, 2000
Updated: May 7, 2012
Updated: March 4, 2013
Updated: August 3, 2015
Updated: March 6, 2017
Updated: December 4, 2017

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

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

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

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

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

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

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

## A. OPPORTUNITIES TO VISIT THE SCHOOLS

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

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

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

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

## B. REQUIREMENTS OF VISITORS TO THE SCHOOLS

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

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

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

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

## C. ADDITIONAL REQUIREMENTS OF PROBATION OFFICERS

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

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

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

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

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

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

## D. UNAUTHORIZED, DISRUPTIVE, OR DANGEROUS VISITORS

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

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

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

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

1. order the individual to leave school property;

2. notify law enforcement; or

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

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

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

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

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

Adopted: April 10, 2000
Updated: January 12, 2009
Updated: November 8, 2011
Updated: January 14, 2013
Updated: December 3, 2018

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

**Temporary Restriction on Community Use of Facilities**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic and in accordance with the requirements of the North Carolina Department of Health and Human Services (DHHS), school facilities will not be made available to community groups during or after the school day or on weekends in any week in which the school is holding in-person classes on the school campus. Issues regarding the parties' contractual obligations under long-term leases will be referred to the board attorney. This temporary restriction shall remain in effect until repealed by the board or until the applicable guidance from DHHS is rescinded, whichever occurs first.

## A. GENERAL PRINCIPLES

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

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

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

1. violate federal, state, or local laws;

2. violate board of education policies or regulations;

3. advocate imminent violence;

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

5. are in conflict with scheduled school activities.

## B. PRIORITY IN USE/FEE STRUCTURE

School-sponsored groups and activities, such as school athletic events, and school drama and choral productions, and meetings of student organizations, including organizations permitted to meet under the Equal Access Act, will have first priority in the use of school

facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with law and the following user categories. Priority in use among groups within the same user category will not be based upon the viewpoints of the groups. ~~(see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying)~~. All groups within the same user category will be charged for facility use according to the uniform fee structure.

1. In accordance with G.S. 163A-1046, as a polling place on election days

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

   Fees: Fees for use of kitchens will be charged to cover costs. Custodial or other supervisory services may be charged.

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

   Fees: Custodial and utility fees may be charged.

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

   Fees: Utility fees for the use of facilities may be charged. Custodial, kitchen, and/or supervisory fees will be charged.

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

   Fees: Rental, kitchen, utility, custodial, and supervisory fees will be charged.

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

## C. REQUESTS FOR USE OF FACILITIES

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

## D. FACILITIES AVAILABLE FOR USE

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

The superintendent is authorized to develop a list of school facilities available for community use. Among the types of facilities that may be available for community use are auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers, and playgrounds.

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

## E. RULES GOVERNING USE OF SCHOOL FACILITIES

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

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

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

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

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

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

6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during their activity.

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

## F. DAMAGES AND LIABILITY INSURANCE

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

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

## G. TERM AND ACCEPTANCE OF LEASE

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

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

## H. USE OF OUTDOOR SCHOOL FACILITIES BY THE GENERAL PUBLIC

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

## I. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; G.S. 14-269.2; Community Schools Act, G.S. 115C-203 to -209.1; 115C-524, -527; 160A-274; 163A-1046

Cross References: ~~Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230),~~ Student and Parent Grievance Procedure (policy 1740/4010), Prohibition of Drugs and Alcohol (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal, and Lease of Board-Owned Real Property (policy 9400)

Adopted: April 10, 2000
Updated: June 1, 2009
Updated: November 4, 2010
Updated: April 3, 2012
Updated: April 11, 2016
Updated: June 6, 2017
Updated: December 3, 2018
Updated: July 6, 2020

# PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

*Policy Code:* **5070/7350**

The board is committed to providing access to public records and public information. All employees shall comply with the public records law and this policy.

## A. PUBLIC RECORD DEFINED

Any record, in any form, that is made or received by the board or its employees in connection with the transaction of public business is a public record that must be made available to the public, unless such record is protected from disclosure by federal or state law or is otherwise exempted from the public records law, G.S. 132-1 through 132-9. (See policy 5071/7351, Electronically Stored Information Retention, for specific information regarding public records in electronic form.)

Though the school improvement plan is a public record, the school safety components of the plan are not public records subject to public records law. Schematic diagrams, as described in G.S. 115C-105.53 and -105.54, and emergency response information, as described in G.S. 115C-47(40) and -105.54, are also not considered public records subject to public records law.

The official records of students are not public records subject to inspection and examination. (For additional information regarding the release of information about students, see policy 4700, Student Records.) Further, any written material containing the identifiable scores of individual students on any test taken pursuant to the state testing program described in Chapter 115C, Article 10A of the North Carolina General Statutes is not a public record. Any test that is developed, adopted, or provided as part of the state testing program is not a public record until the State Board of Education designates that the test is released.

Any report received from the Teachers' and State Employees' Retirement System pursuant to G.S. 135-8(f)(2)(f) is not a public record and will be treated as confidential.

Information in school system employee personnel files is protected from disclosure in accordance with G.S. 115C-319, except that the following employee information is public record.

1. Name.

2. Age.

3. The date of original employment or appointment.

4. The terms of any past or current contract by which the employee is employed, whether written or oral, to the extent that the board has the written contract or a record of the oral contract in its possession.

5. Current position.

6. Title.

7. Current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee).

8. The date and amount of each increase or decrease in salary with the board.

9. The date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board.

10. The date and general description of the reasons for each promotion with the board.

11. The date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the board. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the board setting forth the specific acts or omissions that are the basis of the dismissal.

12. The office or station to which the employee is currently assigned.

The name of a participant in the North Carolina Address Confidentiality Program is not a public record and must be redacted from any records released. As necessary, school personnel may combine public and confidential records to meet the business needs of the system. However, if a record contains confidential information as well as public information, school officials must provide the requested public record with the confidential information removed or redacted.

## B. DESIGNATION OF RECORDS OFFICER

The superintendent shall designate a records officer or otherwise ensure that the duties of a records officer are met.

1. Duties of the Records Officer

   The duties of the records officer include the following:

   a. determining whether records are public or confidential by law, with assistance from the local board attorney as necessary;

   b. determining the most cost-effective means of storing and retrieving public records that include confidential information;

c. providing training, consultation, and guidelines to school officials who respond to or are otherwise involved in public records requests;

d. determining the actual cost of providing copies of public records in various forms, such as paper or electronic media, in which the school system is capable of providing the records;

e. determining the cost of a request for copies of public records when a special service charge is applicable or when the school system is voluntarily creating or compiling a record as a service to the requester; and

f. reviewing appeals of any denial of a request for public records.

2. Other Duties

A designated electronic records officer, or other employee(s) as determined by the superintendent, shall review all electronic data-processing systems created by the school system or being considered for acquisition through lease, purchase, or other means, to ensure they are designed and maintained in a manner that:

a. will not impede the school system's ability to permit public inspection and examination of public records; and

b. provides a means of obtaining copies of such records.

## C. REQUESTS FOR PUBLIC RECORDS

All requests for examining or obtaining copies of public records should be in writing or recorded by school system personnel. This policy, administrative guidelines, information on the actual cost of producing public records, information on how to reach the records officer, information about how to appeal a denial of a public records request, and information regarding any computer database indexes must be made available to individuals requesting public records.

Public records must be released in accordance with the law. Any denial of a public records request must be made in writing and must include the basis for the denial. The superintendent or designee may issue additional guidelines consistent with this policy to further clarify the process for requesting public records.

## D. FEES FOR COPIES OF PUBLIC RECORDS

Persons requesting copies of public records will be charged any applicable fees as determined by the records officer (see subsections B.1.d and B.1.e above). The school system shall not charge any fees for separating confidential information that is commingled with public records.

## E. ELECTRONIC MAIL LISTS

A school employee may be authorized by the superintendent or designee to maintain an electronic mail list of individual subscribers. Such a list may be used only: (1) for the purpose for which the subscribers subscribed to it; (2) to notify subscribers of an emergency to public health or public safety; or (3) in the event of deletion of the list, to notify subscribers of the existence of any similar lists. Although such electronic mail lists of individual subscribers shall be available for public inspection in either printed or electronic format to the extent permitted by law, school officials shall not provide anyone with copies of such lists. Release for public inspection of any subscriber list must be consistent with the Family Education Rights and Privacy Act (FERPA) if the list contains personally identifiable information from student education records. See policy 4700, Student Records.

## F. DESTRUCTION OF PUBLIC RECORDS

To the extent required by law, school personnel shall maintain public records in accordance with the applicable records retention and disposition schedule(s) issued by the North Carolina Department of Natural and Cultural Resources. The superintendent may establish regulations for the destruction of records in accordance with the approved schedules.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; 135-8(f)(2)(f); *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules; *General Records Schedule for Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2019), available at https://archives.ncdcr.gov/documents/general-records-schedule-local-government-agencies

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), News Media Relations (policy 5040), Electronically Stored Information Retention (policy 5071/7351), Personnel Files (policy 7820)

Adopted: January 11, 2016
Updated: June 4, 2018
Updated: December 2, 2019

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

## Temporary Requirements for Student Transportation Services

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, school officials will enforce the restrictions put in place by the North Carolina Department of Health and Human Services (DHHS) on entering school transportation vehicles and will adhere to any requirements placed on the school system by DHHS related to student transportation services. The superintendent or designee, in conjunction with appropriate health officials, shall develop protocols where necessary to implement 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. STUDENT BEHAVIOR

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

### B. TRANSPORTATION SAFETY ASSISTANTS AND BUS MONITORS

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

### C. MAINTENANCE

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

### D. SAFETY PRACTICES ON SCHOOL BUSES AND ACTIVITY BUSES

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

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

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

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

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

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

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

## E. TRAINING

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

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

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

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

## F. ACCIDENT REPORTING

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

Legal References: G.S. 115C-239, -240, -245, -248, -249.1; *Preventive Maintenance and Vehicle Replacement Manual* (*NC Bus Fleet Manual*), State Board of Education Policy TRAN-005,

available at www.ncbussafety.org/documents/Buses/NCBusFleetManual.pdf; State Board of Education Policies TRAN-006, TRAN-011; *North Carolina School Bus Driver Handout*, Department of Transportation, Division of Motor Vehicles, available at https://www.ncdot.gov/dmv/license-id/driver-licenses/new-drivers/Documents/school-bus-handbook.pdf

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

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: December 7, 2015
Updated: December 2, 2019

# 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, 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, 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, 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 ~~unless the person knew or had a reason to believe that the complaint or report was false or knowingly provided false information~~ 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.*; 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:

The board recognizes the importance of incorporating current technology tools, including new methods of electronic communication, into the classroom to enhance student learning. It further recognizes the importance of employees, students, and parents engaging, learning, collaborating, and sharing in digital environments as part of 21st Century learning. The board strives to ensure that electronic communication tools incorporated into the school curriculum are used responsibly and safely. As practicable, the board will provide access to secure social media tools and board approved technologies for use during instructional time and for school-sponsored activities in accordance with policies 3220, Technology in the Educational Program, and 3225/4312/7320, Technology Responsible Use.

The board acknowledges that school employees may engage in the use of social media during their personal time. School employees who use social media for personal purposes must be mindful that they are responsible for their public conduct even when not acting in their capacities as school system employees. All school employees, including student teachers and independent contractors, shall comply with the requirements of this policy when using electronic social media for personal purposes. In addition, all school employees must comply with policy 4040/7310, Staff-Student Relations, when communicating with individual students through other electronic means, such as through voice, email, ~~or~~ text-messaging, or video-conferencing platforms.

## A. DEFINITIONS

1. Social Media

   For the purposes of this policy, "social media" refers to the various online technology tools that enable people to communicate easily over the Internet to share information and resources. It includes, but is not limited to: personal websites, blogs, wikis, social networking sites, online forums, virtual worlds, video-sharing websites, and any other Internet-based applications which allow the exchange of user-generated content. For purposes of this policy, it also includes any form of instant or direct messaging available through such applications. Examples of social media include Web 2.0 tools, Facebook, Twitter, LinkedIn, Flickr, YouTube, Instagram, Google+, and social media components of learning management systems such as Moodle or Edmodo. The use of video-conferencing platforms such as Zoom, Webex, and Google Meet is subject to policy 4040/7310, Staff-Student Relations.

2. School-Controlled Social Media

   "School-controlled social media" are social media networks, tools, or activities that are under the direct control and management of the school system and that create an archived audit trail.

3. Personal Social Media

"Personal social media" means any social media networks, tools, or activities that are not school-controlled.

## B. SOCIAL MEDIA COMMUNICATIONS INVOLVING STUDENTS

Employees are to maintain professional relationships with students at all times in accordance with policies 4040/7310, Staff-Student Relations, and 7300, Staff Responsibilities. The use of electronic media for communicating with students and parents is an extension of the employee's workplace responsibilities. Accordingly, the board expects employees to use professional judgment when using social media or other electronic communications and to comply with the following.

1. All electronic communications with students who are currently enrolled in the school system must be school-related and within the scope of the employees' professional responsibilities, unless otherwise authorized by this policy or policy 4040/7310, Staff-Student Relations.

2. School employees may use only school-controlled social media or approved video-conferencing platforms to communicate directly with current students about school-related matters. (For expectations ~~information~~ regarding communication with students through video-conferencing platforms or other forms of electronic communication, e.g., email or texts, see policy 4040/7310, Staff-Student Relations.)

3. Employees are prohibited from knowingly communicating with current students through personal social media without parental permission. An Internet posting on a personal social media website intended for a particular student will be considered a form of direct communication with that student in violation of this policy unless the parent has consented to the communication. However, an employee may communicate with a student using personal social media to the extent the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting. For example, an employee may have a relationship with a niece or nephew, a student who is the child of an adult friend, a student who is a friend of the employee's child, or a member or participant in the same civic, social, recreational, sport, or religious organization.

4. An employee seeking to utilize and/or establish a non-school-controlled social media website for instructional or other school-related purposes must have prior written approval from the principal and the superintendent or designee and must verify that the social media application's terms of service meet the requirements of policies 3220, Technology in the Educational Program, 3225/4312/7320, Technology Responsible Use, and 3227/7322, Web Page Development. If the website collects personal information from students under the age of 13, the use will not be approved unless the applicable requirements of the Children's Online Privacy Protection Act (COPPA) are met. The employee shall ensure that the website does not include or link to the employee's personal social media footprint.

The site must be used for school-related purposes only.

## C. EMPLOYEE PERSONAL USE OF SOCIAL MEDIA

The board respects the right of employees to use social media as a medium of self-expression on their personal time. As role models for the school system's students, however, employees are responsible for their public conduct even when they are not performing their job duties as employees of the school system. Employees will be held to the same professional standards in their public use of social media and other electronic communications as they are for any other public conduct. Further, school employees remain subject to applicable state and federal laws, board policies, administrative regulations, and the Code of Ethics for North Carolina Educators, even if communicating with others concerning personal and private matters. If an employee's use of social media interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Employees are responsible for the content on their social media sites, including content added by the employee, the employee's "friends," or members of the public who can access the employee's site, and for Web links on the employee's site. Employees shall take reasonable precautions, such as using available security settings, to manage students' access to the employees' personal information on social media websites and to prevent students from accessing materials that are not age-appropriate.

School employees are prohibited from accessing social networking websites for personal use during instructional time.

## D. POSTING TO SOCIAL MEDIA SITES

Employees who use social media for personal purposes must be aware that the content they post may be viewed by anyone, including students, parents, and community members. Employees shall observe the following principles when communicating through social media.

1. Employees shall not post confidential information about students, employees, or school system business.

2. Employees shall not accept current students as "friends" or "followers" or otherwise connect with students on personal social media sites without parental permission, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

3. Employees shall not knowingly allow students access to their personal social media sites that discuss or portray sex, nudity, alcohol, or drug use or other behaviors associated with the employees' private lives that would be inappropriate to discuss with a student at school.

4. Employees may not knowingly grant students access to any portions of their personal social media sites that are not accessible to the general public without parental permission, unless the employee and student have a family relationship or other type of appropriate relationship which originated outside of the school setting.

5. Employees shall be professional in all Internet postings related to or referencing the school system, students or their parents, and other employees.

6. Employees shall not use profane, pornographic, obscene, indecent, lewd, vulgar, or sexually offensive language, pictures, or graphics, or other communication that could reasonably be anticipated to cause a substantial disruption to the school environment.

7. Employees shall not use the school system's logo or other copyrighted material of the system on a personal social media site without express, written consent from the board.

8. Employees shall not post identifiable images of a student or student's family on a personal social media site without permission from the student and the student's parent or legal guardian. Employees may post such images on a school-controlled social media site only with prior permission of the employee's supervisor and in accordance with the requirements of federal and state privacy laws and policy 4700, Student Records.

9. Employees shall not use Internet postings to libel or defame the board, individual board members, students, or other school employees.

10. Employees shall not use Internet postings to harass, bully, or intimidate students or other employees in violation of policies~~y~~ 1710/4020/7030, Discrimination and Harassment Prohibited by Federal Law, 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, 4329/7311, Bullying and Harassing Behavior Prohibited, and 7232, Discrimination and Harassment in the Workplace, ~~1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying~~ or state and federal laws.

11. Employees shall not post content that negatively impacts their ability to perform their jobs.

12. Employees shall not use Internet postings to engage in any other conduct that violates board policy or administrative procedures or state and federal laws.

## E. CONSEQUENCES

School system personnel shall monitor online activities of employees who access the Internet using school technological resources. Additionally, the superintendent or designee may periodically conduct public Internet searches to determine if an employee has engaged

in conduct that violates this policy. Any employee who has been found by the superintendent to have violated this policy may be subject to disciplinary action, up to and including dismissal.

The superintendent shall establish and communicate to employees guidelines that are consistent with this policy.

Legal References: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S.C. 6777; G.S. 115C-325(e) (applicable to career status teachers), -325.4 (applicable to non-career status teachers); 16 N.C.A.C. 6C .0601, .0602; State Board of Education Policy EVAL-014

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), ~~Prohibition Against Discrimination, Harassment, and Bullying (poliy 1710/4021/7230),~~Technology in the Educational Program (policy 3220), Technology Responsible Use (policy 3225/4312/7320), Web Page Development (policy 3227/7322), Copyright Compliance (policy 3230/7330), Staff-Student Relations (policy 4040/7310), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Student Records (policy 4700), Discrimination and Harassment in the Workplace (policy 7232), Staff Responsibilities (policy 7300)

Adopted: February 12, 2012
Updated: January 14, 2013
Updated: June 3, 2014
Updated: December 7, 2015

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 for Employee Health Certificate**

In order to secure the health and safety of school system students and employees during the COVID-19 pandemic, employees 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 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