MONTGOMERY COUNTY SCHOOLS
Life-Ready
Globally Competitive

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TO: Board of Education

FROM: Emily Shaw

DATE: September 11, 2023

Attached you will find proposed Policy Codes for your consideration:

- Policy 1310/4002-Parental Involvement
- Policy 3210-Parental Inspection of and Objection to Instructional Materials
- Policy 3540-Comprehensive Health Education Program
- Policy 4335-Criminal Behavior
- Policy 4720-Surveys of Students
- Policy 6120-Student Health Services
- Policy 7300-Staff and Volunteer Responsibilities

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September 11, 2023

RE: First Read
Montgomery County School Board Policy

The following 7 policies represent the School Board Association's revision recommendations. The policies require updates based on N.C. Session Law 2023-106.

Policy #	Name	Explanation
1310/4002	Parental Involvement	**Required Changes to the policy** • Defines parents for purposes of the policy. • Adds additional details on how to involve parents in schools and provide parent communication. • Each school must include a parental involvement plan as part of the school improvement plan, Title I Parent and Family Engagement Plan, and a Parental Involvement Component of a School Plan for Managing School Behavior, and a Parent Guide for Student achievement. • Section was added on procedures for: Procedures for Parental Involvement in Student Health. • Legal References • Each school must add links for community service/resources. **Recommended Changes to the policy** • Capitalization of headings • Cross References
3210	Parental Inspection of and Objection to Instructional Materials	**Required Changes to the policy** • Removes statement exempting certain internet information from advance parental review because the law doesn't provide such exemption. • Adds the requirement for schools to have a process for parents to inspect instructional materials. • Legal References **Recommended Changes to the policy**

		• Consolidates the sentences describing the process for reviewing instructional materials and adds a reference to policy 3200 – the definition of instructional materials. • Cross References
3540	Comprehensive Health Education Program	**Required Changes to the policy** • Legal References **Strongly Recommended Changes to the policy** • Adds a provision (that is required in Policy 1310) about gender identity, sexuality, or sexual activity will not be included in health education K-4. **Recommended Changes to the policy** • Cross References
4335	Criminal Behavior	**Required Changes to the policy** • Must report to parents when their child is suspected to be a victim of a crime. **Recommended** • Cross References
4720	Surveys of Students	**Required Changes to the policy** • Adds reference to state law in first sentence. • Changes parental notification and consent based on the new state law. • Adds a section on Well-Being Questionnaires and Health Screening Forms. • Legal References **Recommended Changes to the policy** • Cross References • Minor editorial changes
6120	Student Health Services	**Required Changes to the policy** • Legal References **Recommended Changes to the policy** • Minor changes to language when discussing administering medication.
7300	Staff Responsibilities	**Required Changes to the policy** • Legal References **Strongly Recommended Changes to the policy** • Adds a section to support parental involvement and to never encourage a student to withhold information from their parents.

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

For purposes of this policy, "parent" includes parents, legal guardians, and legal custodians of students who are under 18 years old and who have not been emancipated.

~~A.~~ PARENTAL INVOLVEMENT PLANS

1. Parental Involvement Plan as Part of the School Improvement Plan

The board directs each principal ~~or designee~~ to ensure that the school improvement team develops a plan for school's parental involvement program ~~plan~~ as a part of the school improvement plan. The principal shall publicize drafts of the parental involvement plan prior to finalization and solicit input from parents of students in the school. This plan must include, at a minimum, efforts ~~that meet the requirements established in this policy. In addition, the plan must include ways~~ to enhance parental involvement by promoting ~~in~~ the following ~~areas~~ priorities:

a. regular, meaningful~~,~~ two-way communication between home and school;

b. ~~promotion of~~ responsible parenting;

c. involvement of parents ~~and guardians~~ in student learning;

d. ~~promotion of~~ parental volunteering in the school;

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

f. parental training based on parents' informational needs;

g. ~~community~~ collaboration with community agencies and other organizations to provide resources to strengthen school programs, families, and student learning; and

h. promotion of student health awareness among parents by addressing the need for health programs and student health services, which are linked to student learning.

2. Title 1 Parent and Family Engagement Plan

   Each school participating in the Title 1 program must develop, with parents and family members, a school-level written parent and family engagement plan that involves parents in the planning and improvement of Title 1 activities and describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents for involvement, and increasing accessibility for participation of all parents and family members of children participating in Title 1 programs. See policy 1320/3560, Title 1 Parent and Family Engagement.

3. Parental Involvement Component of s School Plan for Managing Student Behavior

   Each school's plan for managing student behavior should include parental involvement strategies that address when parents will be notified or involved in issues related to their child's behavior. See policy 4302, School Plan for Management of Student Behavior.

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

~~A.~~B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES

1. Communication with Parents

   The board encourages school personnel to have regular contact with parents for informational purposes ~~commendation~~ as well as for commendation of students and notification of concerns. School personnel shall communicate with parents about student behavior issues in accordance with requirements of policy 4341, Parental Involvement in Student Behavior Issues, and about student attendance as described in policy 4400, Attendance. In addition, parents will be notified promptly if school personnel suspect that a criminal offense has been committed against the parent's child, unless notification would impede an investigation by law enforcement or the child welfare agency.

   ~~Principals or designees shall plan for periodic communication with parents~~. The principal must effectively communicate to parents the manner in which textbooks are used to implement the school's curricular objectives. Any parent interested in learning more about their child's course of study or the source of any supplementary instructional materials should contact the principal for more information. If a parent would like to inspect and review particular instructional materials, the parent should make such a request in accordance with policy 3210, Parental Inspection of and Objection to Instructional Materials.

The principal also shall ensure that information about the nature and purpose of all clubs and activities, curricular and extracurricular, offered at the school is available at the school's main office. Any parent who would like information about such clubs or activities should contact the school's main office. ~~Teachers are responsible for scheduling conferences with parents.~~

The principal or designee shall strive, through oral or written communication or other means, to include the parents of students identified as at-risk in the implementation and review of academic and/or behavioral interventions for their children, in accordance with policy 3405, Students at Risk of Academic Failure.

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

2. Parent Participation at Schools

The board encourages parents engage in activities in their children's schools. Parents are welcome to visit schools in accordance with policy 5020, Visitors to the Schools, and, if interested, are urged to participate in school volunteer programs as described in policy 5015, School Volunteers. In addition, opportunities exist for parents to participate on school advisory councils, such as the school health advisory council (see policy 6140, Student Wellness), school improvement teams (see policy 3430, School Improvement Plan), school media and technology advisory committees (see policy 3200, Selection of Instructional Materials), and the business advisory council (see policy 2670, Business Advisory Council).

3. Conferences

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

~~B.~~ C. PARENTAL NOTIFICATION

1. Title 1 Notifications

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

2. Parent Guide for Student Achievement

Each year, the superintendent or designee shall create a parent guide for student achievement that meets the requirements of state law and the Sate Board of Education. All parents will receive a written copy of the guide, and information in the guide will be discussed at the beginning of each school year in meetings of students, parents, and teachers.

At a minimum the guide will include the following:

a. Information for parents regarding the following as it pertains to their child:
(1) requirements for promotion to the next grade, including the requirements of the North Carolina Read to Achieve Program as set forth in Part 1A of Article 8 of Chapter 115C; (2) the course of study, textbooks, and other supplementary instructional materials and policy 3210, Parental Inspection of and Objection to Instructional Materials, which provides for the inspection and review of those materials; (3) the child's progress toward achieving State and unit expectations for academic proficiency, including policies for students assessment, and the child's assessment results, report cards, and progress reports; (4) qualifications of the child's teachers, including licensure status; and (5) school entry requirements, including required immunizations;

b. parental actions that can do the following: (1) strengthen the child's academic progress, especially in the area of reading as provided in the North Carolina Read to Achieve Program; (2) strengthen the child's citizenship, especially social skills and respect for others; (3) strengthen the child's realization of high expectations and setting lifelong learning goals; and (4) place a strong emphasis on the communication between the school and the home;

c. services available for parents and their children, such as family literacy services; mentoring, tutoring, and other academic reinforcement programs; after-school programs; and college planning, academic advisement, and student counseling services (see policy 3610, Counseling Program);

d. opportunities for parental participation, such as parenting classes, adult education, school advisory councils, and school volunteer programs;

e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as honors programs, Career and College Promise

and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C;

g. rights of students who have been identified as students with disabilities, as provided in Article 9 of chapter 115C;

h. contact information for school and unit offices;

i. resources for information on the importance of student health and other available resources for parents, including the following information on available immunizations and vaccinations: (1) a recommended immunization schedule in accordance with the United States Centers for Disease Control and Prevention recommendations; and (2) information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where parents and guardians may obtain additional information and vaccinations for their children as required by G.S. 115C-375.4; and

j. this policy (policy 1310/4002, Parental Involvement); policy 1320/3560, Title I Parent and Family Engagement; policy 2670, Business Advisory Council; policy 3210, Parental Inspection of and Objection to Instructional Materials; policy 3430, School Improvement Plan; policy 3540, Comprehensive Health Education Program; policy 4400, Attendance; policy 5015, School Volunteers; policy 5020, Visitors to the Schools; and policy 6140, Student Wellness.

3. Additional Annual Notifications

~~In addition, annually every~~ The ~~building~~ principal or designee shall ~~effectively~~ annually notify parents of the following information to the extent that it has not already been provided to parents as part of the parent guide for student achievement:

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

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

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

protect the immediate health and safety of students;

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

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

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

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

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

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

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

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

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

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

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

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

    ii. the performance of the school system on academic assessments

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

iii. the percentage and number of students who are:
1. assessed,
2. assessed using alternate assessments,
3. involved in preschool and accelerated coursework programs, and
4. English learners achieving proficiency;

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

v. teacher qualifications.

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

p. supportive services available to students, including guidance, counseling, and health services (see policy 3610, Counseling Program);

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

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

~~s.~~r. how to reach school officials in emergency situations during non-school hours;

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

~~u.~~t. information about the school breakfast program;

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

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

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

~~y.~~x. education rights of homeless students (see policy 4125, Homeless Students);

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

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

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

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

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

~~C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT~~

4. Opportunities to Withhold Consent/Opt Out Notifications

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

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

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

c. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV/AIDS; (b) avoidance of out-of-wedlock pregnancy; or (c) reproductive health and safety education, as provided in policy 3540, Comprehensive Health Education Program. A copy of the

materials that will be used in these curricula will be available in the school media center during the school year and at other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

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

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

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

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

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

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

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

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

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

3. off-campus trips;

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

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

6. certain health services, as required by law;

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

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

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

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

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

E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH

At the beginning of each school year, the principal or designee shall notify parents of (1)each health care service offered at their children's schools and the means for parents to provide consent for any specific services; (2)acknowledgement that consenting to a health care service does not waive the parents' right to access their children's educational records or health records or to be notified of changes in their children's services or monitoring; and(3)the procedures to exercise the parental remedies for concerns related to student health provided by G.S. 115C-76.60 and described below in subsection E.6.

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children.

The principal or designee shall notify parents of changes in services or monitoring related to their children's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for their children prior to or contemporaneously with the changes being made. In addition, the principal or designee

shall notify parents before any changes are made to the names or pronouns used for their children in school records or by school personnel.

No school system policy, procedure, or form will expressly or otherwise prohibit school employees from notifying parents about their children's mental, emotional, or physical health or well-being or a change in related services or monitoring, nor will any school system policy, procedure, or form intentionally encourage or be designed in a manner that is reasonably likely to have the effect of encouraging any children to withhold from their parents information about their mental, emotional, or physical health or well-being or a change in related services or monitoring. School personnel shall not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

2. Discussions Related to Student Well-Being

In accordance with the rights of parents provided in Chapter 114A of the General Statutes, when issues of a student's well-being arise, school personnel shall encourage the student to discuss the issues with his or her parent. As appropriate, school personnel may facilitate discussions of such issues with parents.

3. Parent Access to Student Records

Parents will not be prohibited from accessing any of their children's education and health records created, maintained, or used by the school system, except as permitted by law. See policy 4700, Student Records.

4. Student Support Services Training

Student support services training developed or provided by the school system to school personnel will adhere to student services guidelines, standards, and frameworks established by the Department of Public Instruction

5. Instruction on Gender Identity, Sexual Activity, and Sexuality

Instruction on gender identity, sexual activity, or sexuality will not be included in the curriculum provided in kindergarten through fourth grade, regardless of whether the information is provided by school personnel or third parties. For purposes of this subsection, curriculum includes the standard course of study and support materials, locally developed curriculum, supplemental instruction, and textbooks and other supplementary materials, but does not include responses to student-initiated questions.

6. Remedies for Parental Concerns Related to Student Health

If a parent has a concern about the school or school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described here in Section E of this policy, the

parent should submit the concern in writing to the principal. The principal shall schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation. If possible, the principal should resolve the concern within seven days after the concern was submitted. If the principal cannot resolve the concern within seven days, the principal shall immediately notify the superintendent or designee. The superintendent or designee shall assist, as needed, in resolving the concern.

If the concern has not been resolved within 15 days after the parent initially submitted the concern, the superintendent or designee shall schedule a board hearing to be conducted pursuant to policy 2500, Hearings Before the Board, to occur within the next 15 days. If the concern is not resolved30 days after the parent initially submitted the concern, the board will provide a statement of the reasons for not resolving the concern.

If the concern is not resolved within 30 days of initial submission, the parent has the right to pursue additional remedies as provided in G.S. 115C-76.60(b).

F. PARENT REQUEST FOR INFORMATION

A parent may request in writing from the principal any of the information the parent has the right to access under Part 3 of Article 7B of Chapter 115C.The principal, within 10 business days, shall either provide the requested information to the parent or provide an extension notice to the parent that, due to the volume or complexity of the request, the information will be provided no later than 20 business days from the date of the parental request.

If the principal (1) denies or fails to respond to the request for information within 10 business days or (2) fails to provide information within 20 business days following an extension notice, the parent may then submit the written request for information to the superintendent, along with a statement specifying the time frame of the denial or failure to provide information by the principal.

If the superintendent denies or does not respond to the request for information within 10 business days, the parent may appeal the denial or lack of response to the board no later than 20 business days from the date of the request to the superintendent. The board will place the parent's appeal on the agenda for the next board meeting occurring more than three business days after submission of the appeal.

The information in this Section F will be posted on the school system's website along with the list of parents' legal rights for their child's education as described in G.S. 115C-76.25.

G. COMMUNITY SERVICES AVAILABLE

A variety of community services are available to provide parents and families of students in the school system with needed information, support, and resources. Parents are encouraged to utilize applicable community services such as the following:

[G.S. 115C-76.35(a)(1) requires that board policy provides links to parents for community services. Insert here a list of applicable links to community services available to parents of students in your school system.]

H. REPORTING REQUIREMENTS

By September 15 of each year, the superintendent or designee shall report to the State Board of Education parental involvement information as required by G.S. 115C-76.70.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60,-76.65, -76.70, -81.25, -81.30, -81.36, -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -402.15, -407.16; 16 N.C.A.C. 6D .0307; State Board of Education Policies KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Business Advisory Council (policy 2670), Selection of Instructional Materials (policy 3200), Parental Inspection of and Objection to Instructional Materials (policy 3210), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), School Improvement Plan, (policy 3420), Class Rankings (policy 3450), Special Education Programs/Rights of Students with Disabilities (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Parental Involvement in Student Behavior Issues (policy 4341), Attendance (policy 4400), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Visitors to the Schools (policy 5020), Registered Sex Offenders (policy 5022), Student Health Services (policy 6120), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

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PARENTAL INSPECTION OF AND OBJECTION TO INSTRUCTIONAL MATERIALS

Policy Code: **3210**

In policy 3200, Selection of Instructional Materials, the board establishes a process for the selection of instructional materials to meet State Board of Education requirements and the educational goals of the board. That process provides an opportunity for parental input in the selection of materials.

The board recognizes that despite the opportunity to participate in the selection of materials, parents still may have concerns about instructional materials used in the school system. Thus, to further involve parents in the education of their children, the board also provides opportunities for parents to review instructional materials and a process for parents to use when they object to instructional materials.

A. PARENTAL RIGHT TO INSPECT MATERIALS

~~Parents have a right under federal law to inspect all instructional materials which will be used in connection with any survey, analysis, or evaluation as part of any applicable federally funded programs.~~ Parents ~~ordinarily also~~ may review all ~~other~~ instructional materials ~~following procedures provided by the school or superintendent. The term "instructional materials"~~ as defined in policy 3200, Selection of Instructional Materials. Instructional materials do~~es~~ not include academic tests or assessments. ~~Some materials available through the Internet and used in individual classes to provide up-to-date information or information on current events may not be available for advance review; however,~~ Parents who would like to inspect and review instructional materials should make a request in writing to the principal. The principal shall schedule a mutually agreeable date and time for the parent to come into the school to review the materials. All efforts should be made to schedule the time as soon as possible but no later than 10 business days from the date of the request. ~~a~~All materials used in reproductive health and safety education shall be available for review as provided in policy 3540, Comprehensive Health Education Program.

B. PARENTAL OBJECTION TO MATERIALS

Parents may submit an objection in writing to the principal regarding the use of instructional materials. The principal may establish a committee to review the objection. While input from the community may be sought, the board believes professional educators are in the best position to determine whether a particular instructional material is appropriate for the age and maturity of the students and for the subject matter being taught.

If the principal or the committee determines that any material violates constitutional or other legal rights of the parent or student, the principal or the committee shall either remove the material from instructional use or accommodate the student and parent. Before any material is removed, the principal or the committee shall ensure that the curriculum is still aligned with current statewide instructional standards and articulated from grade to grade.

If an objection made by a parent or student is not based upon constitutional or legal rights, the principal or the committee may accommodate the objection after considering the effect on the curriculum; any burden on the school, teacher, or other students that the accommodation would create; and any other relevant factors. Books and other instructional materials may be removed from the school media collection only for legitimate educational reasons and subject to the limitations of the First Amendment.

The decision of the committee or principal may be appealed to the superintendent. The decision of the superintendent may be appealed to the board.

The superintendent shall develop the necessary administrative procedures to implement this policy.

Legal References: U.S. Const. amend. I; 20 U.S.C. 1232h; N.C. Const. art. I, § 14; *Board of Educ. v. Pico*, 457 U.S. 853 (1982); G.S. 115C art. 8 pt. 1; 115C-45, -47, -76.25(a)(5), -76.35(b), -76.40, -98, -101

Cross References: Parental Involvement (1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Selection of Instructional Materials (policy 3200), Comprehensive Health Education Program (policy 3540)

Adopted: March 6, 2000
Updated: August 3, 2009
Updated: January 14, 2013
Updated: December 8, 2014

The board is committed to a sound, comprehensive health education program that provides students with accurate information and encourages them to be responsible for their own health and behavior. The board recognizes the primary role of parents in providing for the health and well-being of their children and seeks to involve parents as provided in this policy. The comprehensive health education program provided by the school system will meet the requirements of state law and the objectives established by the State Board of Education The board may, in its discretion, expand on the subject areas to be included in the program and on the instructional objectives to be met.

A. COMPREHENSIVE HEALTH EDUCATION PROGRAM

A comprehensive health education program must be taught to students from kindergarten through ninth grade. As required by law, the health education program must include age-appropriate instruction on bicycle safety, nutrition, dental health, environmental health, family living, consumer health, disease control, growth and development, first aid and emergency care, mental and emotional health, drug and alcohol abuse prevention, prevention of sexually transmitted diseases (STDs), including HIV/AIDS and other communicable diseases, and reproductive health and safety education.

Instruction on gender identity, sexual activity, or sexuality will not be included in the health education program in kindergarten through fourth grade (see also policy 1310/4002, Parental Involvement). As required by law and beginning in seventh grade, reproductive health and safety education will include age-appropriate instruction on sexual abstinence until marriage, STDs, the human reproductive system, preventable risks for preterm birth in subsequent pregnancies, the effectiveness of contraceptive method in preventing pregnancy, awareness of sexual assault and sexual abuse, and sex trafficking prevention and awareness.

B. PARENTAL OPPORTUNITIES TO REVIEW MATERIALS AND WITHHOLD CONSENT FOR STUDENT PARTICIPATION

Each year before students participate in reproductive health and safety education or in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy, the principal or designee shall notify parents of the opportunity to review the materials and objectives that will be used in instruction. A copy of all objectives and materials will be available for review in the media center of each school where these subjects will be taught.

The principal or designee shall also notify parents of the right to withhold or withdraw consent for their child's participation in all reproductive health and safety education instruction or in specific topics such as STDs, the effectiveness and safety of contraceptive methods, awareness of sexual assault and sexual abuse, and sex trafficking prevention and

awareness. Parents may also withhold consent to student participation in other separate instruction on the prevention of STDs, including HIV/AIDS, or the avoidance of out-of-wedlock pregnancy. Any parent wishing to withhold consent must do so in writing to the principal.

C. STANDARDS FOR INSTRUCTION

For reproductive health and safety education, teachers shall follow the instructional objectives and only use the age-appropriate materials that have been made available to parents for review in accordance with this policy. Information conveyed during instruction will be objective and based upon scientific research that is peer reviewed and accepted by professionals and credentialed experts in the field of sexual health education or other field authorized by law.

A determination of what is an appropriate education for a student with disabilities must be made in accordance with the student's individualized education plan, following all procedures as provided in the North Carolina *Policies Governing Services for Children with Disabilities*.

Legal References: G.S. 115C art. 9; 115C-36, -76.35(b)(5), -76.40, -76.55, -81.25, -81.30; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; State Board of Education Policy SCOS-007

Cross References: Parental Involvement (policy 1310/4002)

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

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

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

A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

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

B. REPORTING CRIMINAL BEHAVIOR

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

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

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

later than the end of the following workday. The superintendent must inform the board of any such reports.

In addition, the principal or designee must promptly notify the parents if a school system employee suspects that any criminal offense has been committed against the parents' child, including but not limited to any of the offenses required to be reported to law enforcement, regardless of where the offense allegedly occurred, unless the incident has been reported to law enforce mentor the county child services agency and notification of the parents would impede the investigation. ~~of students who are alleged to be victims of any reported offenses.~~

Certain crimes must be reported to the Department of Public Instruction in accordance with N.C.A.C. 6E. 0107.

Legal References: Gun-Free Schools Act, 20 U.S.C. 7961; G.S. 14-17, -18, -27.21, -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202, -202.1, -202.2, -269.2; ch. 90 art. 5; 114A-10; 115C-47(56)~~;~~, -288(g); 16 N.C.A.C. 6E .0107

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

Adopted: April 10, 2000
Updated: December 6, 2011
Updated: January 14, 2013
Updated: November 7, 2016
Updated: December 7, 2020
Updated: June 7, 2021

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

A. SURVEYS INVOLVING PROTECTED TOPICS

1. Definition of Protected Topic Survey

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

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

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

   c. sex behavior or attitudes;

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

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

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

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

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

   For purposes of this policy, a "protected topic survey" is any survey, analysis, or evaluation that reveals information concerning any of the protected topics.

2. Rules Regarding Protected Topic Surveys ~~Involving Protected Topics~~

   a. Protection of Student Privacy

      The school system will take measures to protect the identification and privacy of students participating in any protected topic survey ~~concerning~~

~~any of the protected topics.~~ These measures may include limiting access to completed surveys and to survey results, as allowed by law.

b. Parental Notification

The school system will notify parents at the beginning of each school year of the specific or approximate dates of administration of protected topic surveys ~~concerning the protected topics.~~ At least 10 days prior to the administration of a protected topic survey, ~~P~~parents and eligible students(students who are 18 years of age or older or who are emancipated minors)will be provided the opportunity to review both electronically and in person the process for providing consent to participate in the protected topic survey and the full text of the protected topic survey. ~~have the right to review any survey that concerns one of the protected topics or any instructional materials used in any such survey.~~

c. Parental Consent

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

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

B. WELL-BEING QUESTIONNAIRES AND HEALTH SCREENING FORMS

Before any student well-being questionnaire or health screening form is administered to students in kindergarten through third grade, the principal or designee shall provide parents with a copy of the questionnaire or form and shall inform parents of the means for parents to consent to the use of the questionnaire or form for their children. See also policy1310/4002, Parental Involvement.

If a well-being questionnaire or health screening form falls under the definition of a protected topic survey, all rules for protected topic surveys, as described above in subsection A.2, also apply.

~~B.~~C. OTHER SURVEYS CREATED BY A THIRD PARTY ~~SURVEYS~~

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

~~C.~~D. COLLECTION OF STUDENT DATA FOR MARKETING PURPOSES

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

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

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

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

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

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

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

6. student recognition programs.

~~D.~~E. OTHER RELEVANT POLICIES

In addition to this policy, the board, with parental and community input, has developed other policies concerning surveys and related matters as required by the Protection of Pupil Rights Amendment. These policies include: 1310/4002, Parental Involvement; 3210,

Parental Inspection of and Objection to Instructional Materials; 4700, Student Records; and 5240, Advertising in the Schools.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h; G.S. 115C-36, -76.25(a)(11), -76.45(a)(3), -76.65, -402.15

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

Adopted: January 10, 2020

A. STUDENT HEALTH SERVICES GENERALLY

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

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

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

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

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

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

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

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

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

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

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

B. SCHOOL SYSTEM MENTAL HEALTH PLAN

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

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

Legal References: Americans with Disabilities Act, 42 U.S.C. 12134, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), -794, 34 C.F.R. pt. 104; G.S. 90-21. 10B; 115C-12(12), -12(31), -36, -307(c), -375.1, -375.3, -376.5; 16 N.C.A.C. 6D .0402; 21 N.C.A.C. 36 .0221, .0224; *Policies Governing Services for Children with Disabilities*, State Board of Education Policies EXCP-000, SHLT-003

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

Adopted: January 11, 2016
Updated: June 7, 2021

For students to succeed, all school employees and volunteers must approach their responsibilities conscientiously, always remembering that the ultimate responsibility of the school system is to provide students with the opportunity to receive a sound basic education.

All school employees shall:

1. be familiar with, support, comply with and, when appropriate, enforce board policies, administrative procedures, school rules and applicable laws;

2. attend to the safety and welfare of students, including the need to provide appropriate supervision of students;

3. demonstrate integrity, respect and commitment to the truth through attitudes, behavior and communications with others;

4. address or appropriately direct any complaints concerning school employees, the school program or school operations; ~~and~~

5. support and encourage good school-community relations in all interactions with students, parents and members of the community.

6. support parents in effectively participating in their child's education and never encourage or coerce a child to withhold information from a parent.

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

In addition, all driver education instructors must immediately report to the board any conviction that results in three or more points, and any conviction that could cause suspension or revocation of the driver license in any state. The board will notify the Department of Public Instruction when an instructor loses his or her privilege to drive in North Carolina or any other state. The superintendent or designee shall conduct annual checks of driving records of all driver education instructors.

Failure by an employee to provide timely notice as described in this policy may lead to disciplinary action up to, and including dismissal.

Failure by a volunteer to provide timely notice may result in the revocation of all volunteer privileges for an indefinite period of time.

Legal References: G.S. 114A-20; 115C-47, -307, -308; State Board of Education Policies DRIV-003, DRIV-004

Cross References:

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