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: Kevin Lancaster

DATE: November 5, 2018

SUBJ: Agenda Items – Policies for First Read

Attached you will find proposed Policy Code for your consideration.

- Policy 1510/4200/7270 School Safety
- Policy 1720/4015/7225 Discrimination, Harassment, and Bullying Complaint Procedure
- Policy 2121 Board Member Conflict of Interest
- Policy 3410 Testing and Assessment Program
- Policy 3420 Student Promotion and Accountability
- Policy 3470/4305 Alternative Learning Programs/Schools
- Policy 4125 Homeless Students
- Policy 4333 Weapons, Bomb Threats and Clear Threats to Safety
- Policy 5020 Visitors to the School
- Policy 5025 Prohibition of Drugs and Alcohol
- Policy 5030 Community Use of Facilities
- Policy 6125 Administering Medicines to Students
- Policy 6220 Operation of School Nutrition Services
- Policy 6401/9100 Ethics and the Purchasing Function
- Policy 6450 Purchase of Services
- Policy 6560 Disposal of Surplus Property
- Policy 7130 Licensure
- Policy 7130-R Licensure (TO BE DELETED)
- Policy 7300 Staff and Volunteer Possibilities
- Policy 7610 Defense of Board Employees
- Policy 7730 Employee Conflict of Interest
- Policy 7920 Reduction in Force: Teachers and School Administrators
- Policy 8305 Federal Grant Administration
- Policy 9110 Use and Selection of Architects, Engineers, Surveyors, and Construction Managers at Risk
- Policy 9120 Bidding for Construction Work

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.

## 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. ~~In addition, s~~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 ~~Suspicious Behavior~~ 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 investigate and act upon any report of such behavior, including, when appropriate, reporting criminal activities to law enforcement, the State Board, and the superintendent or designee (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and 4335, Criminal Behavior).

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, SCFC005

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior policies (4300 series), 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), 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 4, 2017

The board takes seriously all complaints of unlawful discrimination, harassment, and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied, or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment, and Bullying, or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination, harassment, or bullying also should use the process provided in this policy to report such violations to one of the school system officials listed in subsection C.1. In addition, the process in this policy should be used to report a violation of policy 4040/7310, Staff-Student Relations.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports. The school system will ensure that institutional interests do not interfere with the impartiality of the process for investigating and resolving complaints established in this policy.

The process set forth in this policy does not apply to allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA. Such allegations may be raised through the procedures established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities (for Section 504 complaints), or in accordance with the procedures described in the *Parents Rights Handbook* published by the NC Department of Public Instruction (for IDEA complaints).

## A. DEFINITIONS

1. Alleged Perpetrator

   The alleged perpetrator is the individual alleged to have discriminated against, harassed, or bullied the complainant.

2. Complaint

   A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment, or bullying.

3. Complainant

   The complainant is the individual complaining of being discriminated against, harassed, or bullied.

4. Days

   Days are the 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 receipt of the complaint. When a complaint 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.

5. Investigative Report

The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

The investigator is the school official responsible for investigating and responding to the complaint. The investigator must be a person free of actual or reasonably perceived conflicts of interest and biases for or against any party.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment, or bullying.

## B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

1. 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, harassed, or bullied in violation of policy 1710/4021/7230 or policy 1730/4022/7231 must report the offense immediately to an appropriate individual designated in subsection C.1, below. Suspected violations of policy 4040/7310, Staff-Student Relations, should be reported directly to the superintendent or designee. An employee who does not promptly report possible discrimination, harassment, or bullying or violations of policy 4040/7310 shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers, and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment, or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment, or bullying may be made anonymously (except mandatory reports by school employees) but formal disciplinary action

may not be taken solely on the basis of an anonymous report. A safety tip line is available for anonymous reporting at the middle and high schools.

4. Investigation of Reports

School officials shall sufficiently investigate all reports of discrimination, harassment, or bullying, even if the alleged victim does not file a complaint or seek action by school officials, to understand what occurred and to determine whether further action under this policy or otherwise is necessary. School officials shall take such action as appropriate under the circumstances, regardless of the alleged victim's willingness to cooperate. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

## C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Filing a Complaint

Any individual who believes that he or she has been discriminated against, harassed, or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

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

b. an immediate supervisor if the individual making the complaint is an employee;

c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);

d. the Title IX coordinator for claims of sex discrimination or sexual harassment (see policy 1710/4021/7230 for contact information);

e. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability (see policy 1710/4021/7230 for contact information); or

f. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in policy 1710/4021/7230.

2. Time Period for Filing a Complaint

A complaint should be filed 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.

3. Informal Resolution

The board acknowledges that many complaints may be addressed informally without a full investigation and/or hearing, through such methods as conferences or mediation. The board encourages the use of informal procedures such as mediation to the extent possible in appropriate cases and when all parties voluntarily agree after receiving a full disclosure of the allegations and the option for formal resolution; however, mediation or other informal procedures will not be used to resolve complaints alleging sexual assault or sexual violence, complaints by a student of sexual harassment perpetrated by an employee, or when otherwise deemed inappropriate by the investigator or applicable civil rights coordinator.

If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to end the informal process and begin formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. Any informal process should be completed within a reasonable period of time, not to exceed 30 days unless special circumstances necessitate more time. If informal procedures fail to resolve the matter in a reasonable period of time or are inappropriate, or if the complainant requests formal procedures, the complaints will be investigated promptly, impartially, and thoroughly according to the procedures outlined in the remainder of this policy.

4. Other Resources

Individuals may also contact the Office for Civil Rights at the U.S. Department of Education:

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

## D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Initiating the Investigation

a. Whoever receives a complaint of discrimination, harassment, or bullying

pursuant to subsection C.1 shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is ordinarily determined as follows; however, the superintendent may determine that individual circumstances warrant the assignment of a different investigator.

1) If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent, or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.

2) If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.

3) If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent, or a member of the board.

4) If the alleged perpetrator is the assistant superintendent of human resources, the superintendent or designee is the investigator.

5) If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)

6) If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment, or bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

b. As applicable, the investigator shall immediately notify the Title IX, Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct or assist with the investigation.

c. The applicable coordinator and the investigator shall jointly assess the need for interim measures of support for either party and, as necessary, shall implement appropriate measures in a timely manner and monitor the effectiveness of the measures during the pendency of the investigation. Interim measures that restrict the ability of either party to discuss the investigation ("gag orders") may not be used.

d. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.

e. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.

f. Failure to investigate and/or address claims of discrimination, harassment, or bullying shall result in disciplinary action.

2. Conducting the Investigation

The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230, policy 1730/4022/7231, or policy 4040/7310. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint. In complaints alleging sexual misconduct between students, each party will receive notice and access to information consistent with guidance from the U.S. Department of Education, Office for Civil Rights.

a. The investigator shall interview all individuals who may have relevant information, including (1) the complainant; (2) the alleged perpetrator(s); (3) individuals identified as witnesses by the complainant or alleged perpetrator(s); and (4) any other individuals, including other possible victims, who may have relevant information. The investigation will include a review of all evidence presented by the complainant or alleged perpetrator.

b. If the investigator, after receipt of the complaint, an interview with the complainant, and consultation with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination, harassment, or bullying as defined in policy 1710/4021/7230 or policy 1730/4022/7231, school officials will 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 complainant.

c. The complaint and investigation will be kept confidential to the extent

possible. 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. Any requests by the complainant for further confidentiality will be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.

d. The investigator shall review the factual information gathered through the investigation to determine whether, based on a preponderance of the evidence, the alleged conduct constitutes discrimination, harassment, or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age, and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504, ADA, or other coordinator.

3. Notice to Complainant and Alleged Perpetrator

a. The investigator shall provide written notification to the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:

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

2) as needed, reasonable steps to address the effects of the discrimination, harassment, or bullying on the complainant; and

3) as needed, reasonable steps to protect the complainant from retaliation as a result of communicating the complaint.

b. If required by federal law, information regarding specific disciplinary action imposed on the alleged perpetrator(s) will be given to the complainant, such as when the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant). School officials are encouraged to consult with the superintendent and board attorney before releasing such information, however.

c. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as

described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.

d. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking appropriate action to address the discrimination, harassment, or bullying.

4. Appeal

a. If the complainant is dissatisfied with the results of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent of human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection D.4.b below). The appeal must be submitted in writing within five days of receiving the notice of the results 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.

b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary, and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

## E. TIMELINESS OF PROCESS

The school system will make a good faith effort to conduct a fair, impartial investigation in a timely manner designed to provide all parties with a prompt and equitable resolution.

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process. The school system reserves the right to extend any deadline contained in this policy for good cause with written notice to the parties of the delay and the reason for the delay.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review, or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

## F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.

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 complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.

4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials. Should the complainant choose to be represented by an attorney, the complainant should notify school officials in advance so that an attorney for the school system may also be present.

5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

## G. RECORDS

Records will be maintained as required by policy 1710/4021/7230.

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; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 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 VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq*., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq*., 34 C.F.R. pt. 106; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter* (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; *Dear Colleague Letter* (Sexual Harassment), U.S. Department of Education, Office for Civil Rights (2006), available at https://www2.ed.gov/about/offices/list/ocr/letters/sexhar-2006.html; *Q&A on Campus Sexual Misconduct*, U.S. Department of Education, Office for Civil Rights (2017), available at https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-ix-201709.pdf; *Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998); *Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999); G.S. 115C-105.51,-407.15 through -407.18

Cross References: Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), Assaults, Threats, and Harassment (policy 4331)

Adopted: January 11, 2010
Updated: July 11, 2011
Updated: March 5, 2012
Updated: December 8, 2014
Updated: January 11, 2016
Updated: June 6, 2016
Updated: June 4, 2018

The board and each member of the board recognize that they~~All board members~~ are subject to North Carolina's ~~the~~ 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.~~, including strict restrictions against having a pecuniary interest in any business of the board~~. 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 addition, board members~~ 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.~~, including ethical duties as specified in policy 2120, Code of Ethics for School Board Members.~~

All board members will abide by the following conflict of interest rules.~~A member of the board will not do any of the following:~~

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:

   ~~1.~~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;

   ~~2.~~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

   ~~3.~~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 deliberate or vote on the spouse's employment contract or attempt to influence any other person who is involved in making or administering the contract.

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. accept a gift or favor from any person or group desiring to do or doing business with the school system, unless such gifts are instructional products or advertising items of nominal value that are widely distributed; or~~

~~5.~~4. A board member will not solicit or accept any gifts from a current or ~~any~~ 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.

~~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 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 of education and the spouse of a board member. However, the board member involved will not deliberate or vote on the spouse's employment contract or attempt to influence any other person who is involved in making or administering the contract.~~

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 ~~47 C.F.R. 54.503; FCC Sixth Report and Order 10-175~~

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

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

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

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

The superintendent shall provide for the proper administration of all state-required tests, screenings, and other assessments and any state-required remedial instruction 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 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-Assessments will count as 25 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-Assessment. ~~This requirement does not apply to~~ 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 ~~EOC tests for students following the Occupational Course of Study Pathway~~. 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.

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; 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 References: *NC Final Exams Test Administrators' Guides*, available at ~~http://www.dpi.state.nc.us/accountability/common-exams/~~; *North Carolina Test Coordinators' Policies and Procedures Handbook*, available at http://www.dpi.state.nc.us/accountability/policies/generalinfo

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

## A. PURPOSE

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

## B. STUDENT PROMOTION STANDARDS

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

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

To reduce the number of students who do not meet promotion standards, the board directs school administrators and teachers to use personal education plans as required by policy 3405, Students at Risk of Academic Failure.

## C. DIPLOMA STANDARDS

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

## D. APPEALS OF PROMOTION DECISIONS

1. Appeal to the Superintendent

   Within five workdays of receiving the principal's written decision to promote or retain a student, the student's parents may appeal the decision to the superintendent. The superintendent may overturn the principal's decision only upon a finding that the principal's decision was arbitrary and capricious (i.e., without a rational basis)

or was otherwise an abuse of discretion.

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

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

2. Appeal to the Board of Education

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

## E. READING CAMPS

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

## F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

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

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

## G. CREDIT BY DEMONSTRATED MASTERY

Beginning with the 2014-15 school year, the superintendent shall provide opportunities for students in grades 9 through 12 to earn course credit by demonstrating mastery of course material without first completing the regular period of classroom instruction in the course. Students in grades 6 through 8 may earn credit by demonstrated mastery for high school

courses offered in middle school. To earn credit by demonstrated mastery, students must demonstrate a deep understanding of the content standards and application of knowledge through a multi-phase assessment, in accordance with standards established by the State Board of Education and any additional standards established by the superintendent.

## H. CREDIT RECOVERY

Students who fail a high school course may retake parts of the course through credit recovery to earn credit for the course. Credit recovery delivers a subset of the blueprint of the original course in order to specifically address deficiencies in a student's mastery of the course and target specific components of a course necessary for completion. A pre-assessment of the student's understanding of the course material will be administered at the beginning of the course and the credit recovery will be tailored to meet the needs of the individual student. The length of a credit recovery course is dictated by the skills and knowledge the student needs to recover and not a fixed length of seat time.

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

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

## I. REPEATING A COURSE FOR CREDIT

1. Repeating a Previously Failed Course

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

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

   The board recognizes that high school students may need to repeat a course for which they have earned credit in order to increase their understanding of the course content, to improve skill mastery, or to meet postsecondary goals. Students may

repeat a course for which they have previously earned credit, subject to the following preconditions and any other reasonable rules established by the superintendent:

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

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

c. the principal or designee must approve the request;

d. there must be space available after seats have been assigned to students who are taking the course for the first time or repeating a previously failed course;

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

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

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

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

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

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

## J. ACCELERATION

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

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate. If permitted by state law and State Board policy, credit toward high school graduation may be awarded for advancement or

placement out of a high school course. The superintendent shall provide any additional criteria necessary to make a determination of whether credit may be awarded.

## K. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

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

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

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

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

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

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

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

3. Publication on the School System Website

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

## L. RESOURCES

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

## M. NOTIFICATION TO PARENTS

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

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review, and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

## N. CHILDREN OF MILITARY FAMILIES

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

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

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

Other Resources: *Guidelines for Testing Students Identified as English Learners* (N.C. Department of Public Instruction), available at http://www.dpi.state.nc.us/docs/accountability/policyoperations/lep/testinglep1314.pdf; *North Carolina Read to Achieve: A Guide to Implementing House Bill 950/S.L. 2012-143 Section 7A* (N.C. Department of Public Instruction), available at http://www.dpi.state.nc.us/docs/k-3literacy/resources/guidebook.pdf

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: November 2, 2009
Updated: April 13, 2010
Updated: November 3, 2010
Updated: September 14, 2011
Updated: June 3, 2013
Updated: June 2, 2014
Updated: December 8, 2014
Updated: May 5, 2016
Updated: June 5, 2017

## A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program ~~and the~~ school student behavior management plans ~~developed at each school~~, improvement plans, ~~and in addition to~~ numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community. As used in this policy and context, an alternative learning program or school may serve as the site to: (1) deliver educational services required by G.S. 115C-390.9 or -390.10 to a student who is serving a long-term or 365-day suspension; (2) provide concentrated support for students at risk of academic failure; and/or (3) deliver educational and other services to students who are or may be disruptive to a safe and orderly learning environment in the regular educational setting.

~~Alternative learning programs or schools are provided as an option for those instances in which a student's behavior management or academic performance needs cannot be met in a regular educational setting. The purposes of an alternative learning program or school are: (1) to intervene and address problems that prevent a student from achieving success in the regular educational setting; (2) to reduce the risk that a student will drop out of school by providing resources to help the student resolve issues affecting his or her performance at school; (3) to return a student, if and when it is practicable, to the regular educational setting with the skills necessary to succeed in that environment; and (4) to preserve a safe and orderly learning environment in the regular educational setting.~~

## B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

~~Alternative learning programs and schools should serve the purposes described above. Such alternative education programs are expected to meet all board policy and state requirements. In addition, alternative education programs and support services should be designed to facilitate students' transition back to the regular educational setting when appropriate.~~

~~All school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.~~

~~The superintendent or designee shall direct school officials at each alternative learning program or school to develop a behavior management plan, a school improvement plan, and a parental involvement plan in accordance with board policy. A conflict resolution plan, as provided in policy 3431, Conflict Resolution, may be included in the school improvement plan. The board encourages the principal and other school personnel, in developing these plans, to review successful alternative education programs and make effective use of the resources provided by the superintendent.~~

~~The superintendent and board will review these plans in accordance with board policy. While providing flexibility at the school level to develop the plans, the superintendent and board will not approve any plan that is not reasonably likely to meet the purposes of an alternative learning program or school.~~

Prior to implementing a new alternative learning program or school, the board will develop a program proposal that is consistent with the State Board of Education standards for alternative learning programs. The board then will submit the proposal to the State Board for its review. After the proposal has been reviewed by the State Board, the board will consider any recommendations from the State Board to modify the proposal before implementing the alternative learning program or school.

The board will review on a regular basis whether the school system's alternative learning programs and schools comply with State Board standards.

## C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

### 1. Basis for Transfer

Students generally are assigned to a school based on attendance area. However, as provided by law, the board may assign any student to a school outside of his or her attendance area in order for the student to attend a specialized school or for any other reason the board, in its sole discretion, deems sufficient. In all cases, the assignment or transfer of a student with a disability will comply with applicable federal and/or state requirements for students with disabilities.

During the time a student is assigned to Montgomery Learning Academy they are not allowed on the premises of their "home school" without prior approval of the principal. Students assigned to Montgomery Learning Academy may not participate in any extracurricular activities, including athletics, clubs, etc.

However, if a student who attends Montgomery Learning Academy wishes to attend a special event at their "home school" they must have prior approval from the principal of their "home school" and Montgomery Learning Academy at least three (3) days before the event.

Students may be transferred to an alternative learning program or school on a voluntary or involuntary basis, or pursuant to a disciplinary suspension. The transfer process is provided below.

a. the student's parent or guardian and the principal agree, and a multi-disciplinary team agrees, that the transfer would be in the best interest of the student and the efficient administration of the public schools;

b. the student has been recommended for long-term suspension or expulsion;

c. the student poses a significant disruption to the educational environment in the regular educational setting due to continuing social/behavioral problems;

d. the student is at risk of dropping out or not meeting standards for promotion due to academic, developmental, and/or behavioral problems, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;

e. the student is a clear threat to the safety of other students or personnel; or

f. the student has been charged with a felony or with any crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the student's continued presence will significantly disrupt the regular educational environment.

The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.

**2.** Responsibilities of Personnel at Referring School

In addition to any other procedures required by this policy, prior to referring a student to an alternative learning program or school, the principal of the referring school must:

a. document the procedures that were used to identify the student as being at risk of academic failure or as being disruptive or disorderly;

b. provide the reasons for referring the student to an alternative learning program or school; and

c. provide to the alternative learning program or school all relevant student records, including anecdotal information.

~~**3.** Responsibilities of School Personnel at the Alternative Learning Program or School~~

~~In addition to any other procedures required by this policy, once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.~~

~~If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.~~

**4.** ~~Voluntary~~ Referral

~~The board encourages parental involvement in decisions regarding the child's education and in identifying effective options for addressing concerns regarding the child's behavior or academic performance.~~

~~Voluntary transfers are encouraged whenever possible. A voluntary transfer is an agreement by the parent or guardian, the principal, and the disciplinary review committee that transfer is an appropriate option for the particular student. After agreement has been reached, the principal of the regular educational setting and the principal of the alternative learning program or school shall arrange the process and time for the transfer. The principal of the regular educational setting shall notify the superintendent of the transfer.~~

~~**5.** Involuntary Referral~~

~~A student may be required to be transferred from the regular educational setting to an alternative learning program or school under any of the following circumstances:~~

~~g. the student presents a clear threat to the safety of other students or personnel;~~

~~h. the student presents a significant disruption to the educational environment in the regular educational setting;~~

~~i. the student is at risk of dropping out or not meeting standards for promotion, and resources in addition to or different from those available in the regular educational setting are needed to address the issue;~~

~~j. the student has been charged with a felony or a crime that allegedly endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains; or~~

~~k. if the Code of Student Conduct provides for a transfer as a consequence of the student's behavior.~~

a. Students who are recommended for long-term suspension or expulsion and who receive due process through the disciplinary process for violations of the Student Code of Conduct do not require additional referral procedures prior to transfer.

b. Prior to ~~an involuntary~~ a transfer in circumstances where a student is experiencing academic or developmental difficulties or ~~chronic~~ continuing social/behavioral problems, the principal or ~~disciplinary~~ school-based committee of the referring school shall document the student's behavior and academic performance and efforts to assist the student in the regular educational environment ~~as provided in Section C.1~~. School administrators are encouraged to meet with the student's parents or guardians to try to reach a consensus on how to address the student's difficulties at school.

~~The preceding steps are encouraged, but not required in the case of an involuntary transfer arising from a disciplinary reassignment or when the student's behavior immediately endangers other students or personnel.~~

c. In all cases where a basis for transfer exists, other than where the student has ~~If an agreement for voluntary transfer is not reached~~ received due process pursuant to a recommendation for long-term suspension or expulsion, ~~and a basis for involuntary transfer exists~~, the principal ~~may~~ mustrefer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

The multi-disciplinary team shall consist of the student's parent or guardian and at least three school system employees who are informed about the student's needs. The team shall meet to consider the principal's referral and determine whether the student will be assigned to an alternative school and shall perform all other duties assigned to it by State Board of Education policy. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.

At the meeting, the multi-disciplinary team shall determine whether the student will be transferred to the alternative school. The student's parent or guardian shall be provided written notice of the team's decision, as well as notice of the parent or guardian's appeal and due process rights. If the student's parent or guardian attended the team meeting, such notice shall be provided at the end of the meeting. If the student's parent or guardian did not attend the meeting, such notice shall be provided by certified mail within one business day of the meeting. If the multi-disciplinary team approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

4. Responsibilities of School Personnel at the Alternative Learning Program or School

Once a student is placed in an alternative learning program or school, the appropriate school personnel of the program or school must meet to review the student's records and any other documentation forwarded by the referring school. Based on these records and any input provided by the parent or guardian concerning the student's needs, the personnel at the alternative program or school shall determine the support services and intervention strategies that are recommended for the student.

If a student who is subject to G.S. 14-208.18 is assigned to an alternative school, the student must be supervised by school personnel at all times.

5. Assignment of Student with Disabilities to Alternative Programs/Schools

Students who receive services under ~~If the principal intends to refer for an involuntary transfer to the alternative school a student who is eligible for services under~~ the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All Additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed~~., the principal shall first convene the student's Individual Education Program (IEP) team to determine whether such a transfer constitutes a change in placement for the student. All decisions regarding changes in a student's placement or service delivery must be made by the student's IEP team. If the IEP team determines that the proposed transfer would not constitute a change in placement, the principal shall refer the proposed transfer to the multidisciplinary team for consideration in accordance with the process described in subsection C.4, above.~~

~~All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.~~

~~**6.** Appeals Process~~

**D.** Appeals Process

If the student's transfer is the result of an IEP team decision for a student with a disability, parents or guardians who are dissatisfied with the decision must comply with the due process procedures set forth in *Procedures Governing Policies and Services for Children with Disabilities*, as adopted by the State Board of Education.

In all other cases, within three business days of receiving written notice of the ~~multi-disciplinary team's~~ decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's

decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

**E.** Administrative Assignments

1. Assignment During a Long-Term or 365-Day Suspension

~~A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension. See policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion~~. Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

The board may decide, pursuant to G.S. 115C-390.11(a)(2), to assign a student who is subject to G.S. 14-208.18 to an alternative learning program or school.

**F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

In most instances, the goal of the alternative learning program or school is to return the student to the regular educational setting with the skills necessary to succeed in that environment as soon as practicable. The personnel of the alternative learning program or school and those of the regular educational setting shall work together to help create a successful transition for the student.

If the student is not or will not be returned to the regular educational setting, the alternative learning program or school will assist in the student's transition to other educational settings, including other programs offered by the school system or a community college or vocational school.

For students identified as eligible under the IDEA, the student's IEP team shall make all transition decisions that would result in a change in placement.

**G. ASSIGNMENT OF PROFESSIONAL PERSONNEL TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS**

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program

less experienced professional personnel or professional personnel who have received unfavorable evaluations~~. an evaluation rating of less than "accomplished" within the last three years.~~ Additionally, all school personnel at the alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

## H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

The board will determine annually how each alternative school will participate in the State Alternative Schools' Accountability Model. The superintendent shall provide for this information to be reported to the North Carolina Department of Public Instruction by August 1 of each year.

2. Information to be Reported to the Board of Education

Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider. ~~In addition to data required by policy 3430, School Improvement Plan, each alternative learning program or school must report the following information annually to the board:~~

~~a. referral patterns from the regular educational setting, including age, race, gender, and method of transfer (voluntary, involuntary, or pursuant to suspension);~~

~~b. drop-out rates;~~

~~c. how long students stay at the alternative learning program or school and where they go (including the regular educational setting, community college/technical schools or dropping out) when they leave the alternative program or school;~~

~~d. the training and development of professional employees assigned to the alternative learning program or school;~~

~~e. a list of services or programs that the alternative learning program or school coordinates with other governmental agencies;~~

~~f. the school's results under the state's alternative school's accountability model, as applicable; and~~

~~g. any other information the superintendent requires.~~

~~To assist the board in evaluating an alternative learning program or school, each~~

~~alternative school or program's school improvement system safe plan must include measures of the effectiveness of the alternative program or school.~~

~~3. Items to be Considered~~

~~In addition to any other outcomes the board deems important, the board will determine whether:~~

~~a. a diverse group of students is referred to the alternative learning program or school;~~

~~b. the alternative learning program or school complies with State Board standards;~~

~~c. the alternative learning program or school incorporates best practices for improving student academic performance and reducing disruptive behavior;~~

~~d. school personnel at the alternative learning program or school are well-trained and provided with appropriate professional development;~~

~~e. the alternative learning program or school is organized to provide coordinated services;~~

~~f. students at the alternative learning program or school receive high quality and rigorous academic instruction; and~~

~~g. the alternative learning program or school assists students in transitioning back to the regular educational setting or to other educational settings.~~

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, EXCP-001; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction, October 2014), available at https://eboard.eboardsolutions.com/Meetings/Attachment.aspx?S=10399&AID=31595&MID=1590

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

Adopted: March 6, 2000
Revised: January 12, 2009
Updated: April 13, 2010

Updated: November 3, 2010
Updated: September 14, 2011
Updated: December 6, 2011
Updated: March 4, 2013
Updated: June 1, 2015
Updated: June 5, 2017

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

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

## A. DEFINITION OF HOMELESS STUDENTS

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

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

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

3. living in emergency or transitional shelters;

4. abandoned in hospitals;

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

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

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

## ~~B. HOMELESS LIAISON~~

~~The superintendent or designee shall appoint and train a school employee to serve as the homeless liaison. The homeless liaison's duties include, but are not limited to, the following:~~

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

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

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

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

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

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

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

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

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

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

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

12. ~~working with the superintendent or designee to identify board policies or procedures that might serve as a barrier to enrollment of homeless students,~~

~~including those related to immunization records, medical records, uniforms or dress codes, school fees, and school admission.~~

~~C. ACCESS TO STUDENTS' RECORDS~~

## B. ENROLLMENT, ASSIGNMENT, AND TRANSPORTATION OF HOMELESS STUDENTS

### 1. Enrollment

#### a. Eligibility

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

#### b. Records

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

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

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

~~D. ENROLLMENT~~

### 2. Assignment

A homeless student (or the student's parent or guardian) may request to attend (1) his or her school of origin or (2) any public school that other students living in the same attendance area are eligible to attend. The school of origin is defined as the

school the student attended before losing permanent housing or the school in which the student was last enrolled, including a preschool. When a student completes the final grade level served by the school of origin, the school of origin includes the designated receiving school at the next grade level for all feeder schools. Unless not in the student's best interest, a homeless student who continues attending the school of origin will remain enrolled in the school of origin for the entire time the student is homeless and until the end of any academic year in which the student moves into permanent housing.

The superintendent shall designate the director of student assignment or other appropriate personnel to decide, in consultation with the homeless liaison, which school a homeless student will attend. The decision ~~will~~ must be based upon consideration of student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or the unaccompanied youth. The superintendent's designee must presume that keeping the student in the school of origin is in the student's best interest unless contradicted by the student's parent or guardian or the unaccompanied youth. ~~The superintendent's designee must consider student-centered factors related to the student's best interest, including factors concerning the impact of mobility on achievement, education, health, and safety of homeless students, giving priority to the request of the student's parent or guardian or the unaccompanied youth.~~

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

3. Transportation

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

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

## C. ELIGIBILITY FOR TITLE I SERVICES

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

## ~~E.~~D. ~~ENROLLMENT~~ DISPUTE RESOLUTION PROCESS

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

Any employee who is aware that an unaccompanied youth or a parent or guardian of a homeless student is dissatisfied with a decision of school officials with regard to eligibility, school selection, or enrollment should immediately refer that individual to the school system's liaison for homeless students.

As used in this section, "school days" means days when students are scheduled to be in attendance. ~~The school system will implement an enrollment dispute resolution process that is consistent with the process required by the State Board of Education in the North Carolina Administrative Code, 16 N.C.A.C. 6H .0112.~~

1. ~~Initiation of the Dispute and~~ Notice, Stay Put, and Informal Resolution

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

   ~~If a dispute arises over school selection or enrollment in a school for a homeless student, the following must occur:~~

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

   b. Immediately, but not later than one school day after learning of the complainant's disagreement, the homeless liaison shall provide the complainant a copy of the school system's uniform statement of rights and

procedures that is written, to the extent practicable, in a language that the complainant can understand. The written statement must include all of the following: ~~The unaccompanied youth or parent or guardian of the student will be provided a written explanation of the school's decision regarding the enrollment, including the right to appeal the decision. Such information must be provided in a language that the parent or guardian or unaccompanied youth can understand. The information must contain:~~

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

~~2) the right to initiate the dispute resolution process either orally or in writing;~~

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

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

~~3)~~4) a simple complaint form that a complainant ~~parents or guardians or unaccompanied youth~~ can complete and submit to the homeless liaison to initiate the dispute resolution process and to pursue any subsequent appeals to the superintendent and board;

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

~~4)~~6) notice of the right to appeal the final decision of the school system to the State Coordinator within three school days and the option to request an extension from the State Coordinator, along with a step-by-step description of how to file the appeal~~dispute the school's decision~~;

~~5)~~7) notice of the right to enroll immediately in the school located in the assignment area of the student's temporary residence ~~of choice~~ or remain in the school of origin with transportation provided pending resolution of the dispute if such transportation is requested by the parent, guardian, or homeless liaison on behalf of the youth;

~~6)~~8) notice that immediate enrollment includes full participation in all school activities; ~~and~~

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

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

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

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

~~c.~~e. ~~The student or parent or guardian will be referred to the system's homeless liaison, who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute.~~If the complaint initiates the dispute resolution process, the homeless liaison shall expedite the process so that a final decision in the dispute is reached within 15 school days or 30 calendar days, whichever is less.

2. Steps in the Dispute Resolution Process and Related Timelines

~~2.~~a. Homeless Liaison Review

~~a. Any parent or guardian or student initiating an enrollment dispute (hereinafter "complainant") is encouraged to attempt to resolve the dispute informally through discussion with the homeless liaison. If the dispute cannot be resolved informally, the complainant may present a formal complaint orally or in writing to the homeless liaison either directly or through the principal of the school at which enrollment is sought.~~

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

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

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

iv. The local liaison shall inform the superintendent, other appropriate school officials, and the State Coordinator of the dispute immediately after the parent, guardian, or unaccompanied youth has initiated the dispute resolution process.

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

~~3.~~b. Appeal to the Superintendent of the Liaison's Decision

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

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

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

~~4.~~c. Appeal to the Board of the Superintendent's Decision

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

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

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

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

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

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

~~5.~~d. Appeal to the State Coordinator of the Board's Decision

If the complainant is dissatisfied with the decision of the board or board panel, ~~action taken by the board of education,~~ he or she may file an oral or written appeal with the State Coordinator ~~coordinator~~ for homeless education within three school days of receiving the board or panel's decision. The State Coordinator~~, who~~ will issue a final decision on the complaint. The appeal must include:

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

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

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

iv. the federal requirement alleged to have been violated;

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

vi. the relief the person is seeking.

Within ~~five~~ three school days following a request from the State ~~coordinator~~ Coordinator, the homeless liaison shall provide the record of complaint, ~~and~~ a copy of the board or panel's decision, and any other supporting documents necessary to complete the record. ~~along with any other information requested regarding issues in the appeal.~~

## E. HOMELESS LIAISON

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~**F. TRANSPORTATION**~~

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

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

~~**G. TITLE I**~~

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

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016); G.S. 115C-366(a2), -369; 16 N.C.A.C. 6H .0112; State Board of Education Policies~~y~~ SBOP-020, SPLN-000

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

Adopted: May 4, 2009
Updated: November 7, 2016
Updated: June 5, 2017

# WEAPONS, BOMB THREATS AND CLEAR THREATS TO SAFETY

*Policy Code:* **4333**

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as necessary to provide a safe and orderly environment for learning

## A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include, but are not limited to the following:

a. loaded and unloaded firearm, including guns, pistols and rifles;
b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades or mines;
c. knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
d. slingshots and slungshots;
e. leaded canes;
f. blackjacks;
g. metal knuckles;
h. BB guns;
i. air rifles and air pistols;
j. stun guns and other electric shock weapons, such as tasers
k. icepicks;
l. razors and razor blades (except solely for personal shaving);
m. fireworks;
n. gun powder, ammunition, or bullets, regardless of size or caliber; and
o. any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance. ; and
p. mace, pepper spray, and other personal defense sprays.

Any weapon or weapon like object, whether industrially manufactured or homemade, that is reasonably likely to represent a danger to the school environment. Such objects include but are not limited to box cutters, utility blades, blowguns, and other like objects fitting the above description.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person~~s~~ with such an item~~s~~, or becomes aware that another student or other person~~s~~ intends to possess, handle or use an item~~s~~, must notify a teacher or the principal immediately. Middle and high school students may also utilize the anonymous safety tip line for reporting risks to the school population.

This section does not apply to board-approved and –authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or another person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to

the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

a. theft or attempted theft by a student from another person by using or threatening to use a weapon;

b. the intentional and malicious burning of any structure or personal property, including any vehicle;

c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person.

d. an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;

e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;

f. any intentional, highly reckless or negligent act that results in the death of another person;

g. confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony of for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;

h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;

i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;

j. any unauthorized and unwanted intentional touching, or attempt to touch,

by one person of the sex organ of another, including the breast of the female and the genital areas of the male and female;

k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;

l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and

m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

## B. CONSEQUENCES

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D, of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported other firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including any starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas

(1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal Reference: Gun-Free Schools Act 20 U.S.C. 7961; G.S. 14-17 to -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2; -277.5, -277.6; ch. 90, art. 5; 115C-47, -105.51, -276(r), -288(g), -307, -390 .1, -390.2 -390.10

Cross Reference: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: April 10, 2000
Revised: January 12, 2009
Updated: September 12, 2011
Updated: January 9, 2012
Updated: June 3, 2014
Updated: June 6, 2016
Updated: November 7, 2016

# VISITORS TO THE SCHOOLS

*Policy Code:* **5020**

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

## A. OPPORTUNITIES TO VISIT THE SCHOOLS

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

1. visitors are welcome at the schools 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 facilities made available to the public, such as the media centers or meeting space, as provided in board policy 5030, Community Use of Facilities; and

3. visitors are invited to attend public events, such as athletic events, musical programs, and dramatic productions.

4. for the purposes of this Policy, "the schools" shall include not only Montgomery County Schools property but shall also include any other school campus where Montgomery County Schools' students are participating in events stated above.

## 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 for permission to be in the school 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~~ic Beverages~~; 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 provision 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 Division 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 time 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 law, the principal or designee has authority to:

1. order the individual to leave school property;

2. notify law enforcement;

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

Failure to comply with requests 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 or on grounds of other schools on which Montgomery County Schools' students are participating in school activities, including but not limited to, athletic events, academic events, and dramatic productions.

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

Cross References: Registered Sex Offenders (policy 5022), Prohibition of Drugs and Alcohol~~ic Beverages~~ (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
Revised: January 12, 2009
Updated: November 8, 2011
Updated: January 14, 2013

# PROHIBITION OF DRUGS AND ALCOHOL~~IC BEVERAGES~~ *Policy Code:* **5025**

The board prohibits the possession or use of illegal drugs and the possession or consumption of alcoholic beverages, including beer, malt liquor, and wine, on property owned or occupied by the school district. Any person who possesses, consumes, uses, or appears to be under the influence of alcoholic beverages or illegal drugs~~violates this policy~~
will be asked to leave the school property or event immediately and, if he or she fails to do so, ~~will~~ may be arrested and prosecuted for criminal trespass, disorderly conduct, or any other charge that may be appropriate.

Student conduct is further governed by policy 4325, Drugs and Alcohol. Employee conduct is further governed by policy 7240, Drug-Free and Alcohol-Free Workplace.

Legal References: 21 U.S.C. 812; 21 C.F.R. 1300.01-.04 and 1308.11-.15; G.S. 18B-~~103,~~ -301; 90-89 to 94; 115C-36, -40, -47

Cross References: Drug and Alcohol (policy 4325), Drug-Free and Alcohol-Free Workplace (policy 7240)

Adopted: April 10, 2000
Updated: June 1, 2009

## A. GENERAL PRINCIPLES

The board endorses the goals of the Community Schools Act. 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 shall be given to community groups as outlined in Section B. For-profit groups are not permitted to use school facilities.

Use of school facilities shall 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 meeting of student organizations, including organizations permitted to meet under the Equal Access Act, shall 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 the following user categories. Priority in use among groups within the same user category shall 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 shall be charged for facility use according to the uniform fee structure.

1. School related groups (organizations formed to support the school in some manner, such as the PTA, PTO, teachers and principals organizations and booster clubs)
   Fees: Fees for use of kitchens shall be charged to cover costs. Custodial or other supervisory services may be charged.

2. In accordance with G.S. 115C-527, political parties shall only be charged

custodial and utility fees when using school facilities for the express purpose of annual or biennial precinct meetings and county and district conventions.

3. Local government , community, and youth organizations (including but not limited to scouts, 4-H)
   Fees: Utility fees for the use of facilities will be charged if air conditioning or heat is needed. Custodial, kitchen, and/or supervisory fees shall be charged if necessary.

4. All other non-profit groups (all groups not included in the other categories)
   Fees: Rental, kitchen, utility, custodial, and supervisory fees will be determined by administration~~.~~

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

Fee Schedule (Standard):

- 1 custodian is required for up to 50 people; more than 50 people will require 2 custodians.
- Custodians will be paid at their hourly rate or a minimum of **$50.00**.
- Cafeteria staff will be paid at their hourly rate or a minimum of **$50.00**. Cafeteria staff is only required if the kitchen is used.
- There will be a charge of **$100.00** if the use of the facility requires the use of heat or air conditioning in a single area of the building.
- There will be a charge of **$200.00** if the use of the facility requires the use of heat or air conditioning in more than one area of the building.
- There will be no charge if there is **NO** heating or air conditioning used.
- There will be a fee of **$25.00** for custodial supplies for events attended by 50-100 people and **$50.00** for events attended by more than 100 people.

## C. REQUESTS FOR USE OF FACILITIES

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school where the facility is located. Facility use request forms shall 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 shall be available to the public at the superintendent's office and each principal's office.

The superintendent is authorized to develop a list of which school facilities are 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 shall include an application process and provisions regarding supervision of groups using facilities, care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations shall be furnished 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 American 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 shall not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Drugs and Alcohol~~ic Beverages~~).

5. Users shall not possess weapons or explosives while on schools 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 the activity.

7. Any violation by a user of the provisions of this policy or any applicable regulations shall be grounds for the suspension of the user's privilege to use school facilities for such period of time as 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.

## 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 shall 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.

## H. 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, Parent and Student 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*.; 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), Parent and Student Grievance Procedure (policy 1740/4010), Prohibition of Alcoholic Beverages (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: April 11th, 2016
Updated: June 6, 2017

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

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

## A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

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

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

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

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

   d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with directions for how and when the medicine is to be given. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

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

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

2. Procedures for Administering Medications

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

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

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

c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

d. No student may possess, use, or transmit any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol.

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

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

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

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

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

## B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

## C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan. As used in this section of the policy, "medication" refers to a medicine prescribed for the treatment of diabetes, asthma, or anaphylactic reactions and includes insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property, during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

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

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

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

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

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

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

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

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

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

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, the skill level necessary to use the medication and any accompanying device.

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

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

2. Responsibilities of the Student

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

3. Consequences for Improper Use

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

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

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

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

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

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: February 5, 2018

All schools will participate in federal National Child Nutrition Programs and will receive commodities donated by the United States Department of Agriculture. All federal and state revenues will be accepted and applied to maximize the use of such funds for the purposes of providing nutritional meals to students at the lowest possible price.

## A. OPERATIONAL STANDARDS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## B. MEAL CHARGES

Students who are required to pay for meals are expected to provide payment in a timely manner. The board recognizes, however, that students occasionally may forget or lose their meal money. The board therefore directs the superintendent to develop a procedure to manage situations in which students are unable to pay for a meal on a particular day. The superintendent shall ensure that federal child nutrition funds are not used to offset the cost prior to the end of the year.

The superintendent or designee shall establish other procedures as appropriate to help ensure compliance with board policy and legal requirements.

Legal References: Child Nutrition Act of 1966, 42 U.S.C. 1771 *et seq*.; National School Lunch Act, 42 U.S.C. 1751 *et seq*., 2 C.F.R. pt. 200; 7 C.F.R. pt. 210; 7 C.F.R. pt. 215; 7 C.F.R. pt. 220; United States Department of Agriculture Policy Memos SP 46-2016 ~~and~~ 47-2016, and 23-2017,

available at https://childnutrition.ncpublicschools.gov/regulations-policies/usda-policy-memos ~~http://childnutrition.ncpublicschools.gov/regulations-policies/usda-policy-memos/2016/2016usda-policymemos~~; G.S. 115C-47(7), -47(22), -263, -264, -264.1, -426, -450, -522; 147 art. 6E, art. 6G; 16 N.C.A.C. 6H .0104; State Board of Education Policy NCAC-6H.0004

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

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

The board is committed to conducting the purchasing function in an ethical manner and in compliance with state and federal laws and regulations. The board expects all employees who are directly or indirectly involved in any aspect of the purchasing function to be aware of and comply with all current state and federal laws and regulations as these standards apply to the school system's purchasing activities. ~~The board's purchasing goals and principles will not be compromised by individuals motivated by personal gain.~~

~~The board and its officers, agents and employees are subject to the laws governing conflicts of interest in furnishing supplies to the board and the use of confidential information.~~

~~No board member or officer, agent or employee involved in the purchasing function may do any of the following:~~

~~1. accept 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 with the board.~~

~~2. accept trips or meals from contractors, subcontractors or suppliers, except gifts or favors of nominal value or meals furnished at banquets.~~

~~3. solicit or accept any gift or donation from an E-rate service provider in violation of federal gifting rules.~~

Employees directly or indirectly involved in any aspect of the school system's procurement, purchasing, and/or contracting process for apparatus, materials, equipment, supplies, services, real property, or construction or repair projects, regardless of source of funds, must adhere to the following standards of conduct and those established in policies 7730, Employee Conflict of Interest, and 8305, Federal Grant Administration.

1. Employees are expected to make all purchasing-related decisions in a neutral and objective way based on what is in the best interest of the school system and not in consideration of actual or potential personal benefit.

2. Employees shall not participate, directly or indirectly, in making or administering any contract from which they will obtain a direct benefit, unless an exception is allowed pursuant to law.

   An employee obtains a direct benefit when the employee or his or her spouse will receive income, commission, or property under the contract or the employee or spouse has more than a 10 percent interest in an entity that is a party to the contract. See G.S. 14-234 and policy 7730, Employee Conflict of Interest.

   Participation in making or administering a contract includes, but is not limited to, participating in the development of specifications or contract terms; obtaining or

reviewing bids; preparation or award of the contract; and having the authority to make decisions about, interpret, or oversee the contract.

3. Employees shall not participate, directly or indirectly, in the selection, award, or administration of a contract supported in whole or part by a federal grant or award if the employee has a real or apparent conflict of interest. See 2 C.F.R. 200.318 and policy 8305, Federal Grant Administration.

   A real or apparent conflict exists when the employee, his or her immediate family member or partner, or an organization which employs or is about to employ any of those individuals, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. For purposes of this subsection, 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.

4. Employees shall not influence or attempt to influence any person involved in making or administering a contract from which the employee will obtain a direct benefit as described in paragraph 2, above.

5. Employees shall not 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 by the school system.

6. Employees shall notify the superintendent or designee in writing if they have an actual or potential conflict of interest under this policy or applicable state or federal law that would disqualify them from performing any aspect of their job responsibilities.

7. Employees shall not solicit or accept trips, meals, gratuities, gifts, favors, or anything of monetary value from current or recent (within the past year) contractors, subcontractors, or suppliers, or any persons or entities 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 may not exceed an aggregate value of $100 in a twelve-month period.

   Employees shall inform existing and potential contractors, subcontractors, and suppliers about these restrictions.

8. Employees shall not solicit or accept any gift from a current or potential provider of E-rate services or products in violation of applicable federal E-rate program gifting rules.

9. Employees shall not divulge confidential information to any unauthorized person.

Confidential information includes, but is not limited to (1) the ~~The~~ school system's cost estimate for any public contract, ~~is confidential~~ prior to bidding or completion of other competitive purchasing processes~~.~~; ~~The~~and (2) the identity of contractors who have obtained proposals for bid purposes for a public contract, ~~is confidential~~ until the bids are opened in public and recorded in the board minutes. ~~Any employee who divulges confidential information to any unauthorized person will be subject to disciplinary action.~~

10. An employee shall not misuse information in violation of G.S. 14-234.1. Specifically, an employee shall not, in contemplation of the employee's own official action or that of the board or others acting on behalf of the school system, or in reliance on information known to the employee in his or her official capacity and not made public, to:

    a. acquire a financial interest in any property, transaction, or enterprise;

    b. gain a financial benefit that may be affected by the information or contemplated action; or

    c. intentionally aid another to acquire a financial interest or gain a financial benefit from the information or contemplated action.

The superintendent or designee shall ensure that all affected personnel are aware of board policy requirements and applicable laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 7730, Employee Conflict of Interest, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall~~should~~ report such violation ~~to the superintendent, or, if it involves the superintendent, to the board chairperson.~~in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 2121, policy 7730, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 200.318(c); 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175; G.S. 14-234, -234.1; 133-32, -33; 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~~; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175~~

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Bidders' List (policy 6441/9121), Employee Conflict of Interest (policy 7730), Federal Grant Administration (policy 8305)

Adopted: April 10, 2000
Updated: July 1, 2009
Updated: December 8, 2010
Updated: January 14, 2013

Services will be purchased in a manner consistent with the board's purchasing goals. The board generally does not require ~~C~~competitive bidding ~~is not required~~ for the purchase of services; however, contracts for services will be made under conditions that foster competition among potential providers when feasible and after careful pricing.

No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

Purchases using federal funds must be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.)

Contracts entered into with entities or individuals to provide a driver education program for students must be awarded on a competitive basis through requests for proposals to contract and in accordance with the requirements of State Board of Education Policy DRIV-001.

This policy does not apply to contracts for architectural, engineering, surveying, and construction management at risk services, which are governed by policy 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-36; 143-64.31; 147 art. 6E, art. 6G; State Board of Education Policy DRIV-001

Cross References: Goals of the Purchasing Function (policy 6400), Federal Grant Administration (policy 8305), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

Adopted: April 10, 2000
Updated: June 6, 2016
Updated: June 5, 2017
Updated: December 4, 2017

When personal property becomes unnecessary and undesirable for public school purposes, the school system will sell or dispose of the property in order to provide additional revenue for educational purposes, in accordance with the requirements of G.S. 115C-518 and G.S. 160A, article 12. Equipment and supplies acquired under a federal award will be disposed of in accordance with the terms and conditions of the federal award, all applicable requirements of federal law and regulation, and the provisions of this policy not inconsistent with such requirements. Contracts for the sale or disposal of surplus property must be consistent with G.S. 147, art. 6E and 6G. Before any property may be sold or disposed of, it must be removed from the appropriate fixed asset inventory.

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

## A. PROPERTY WORTH LESS THAN $30,000

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

For property worth $501.00 to $4,999.00, the superintendent or designee shall determine and recommend to the board of education whether or not items or groups of similar items are unnecessary or undesirable for school purposes. The recommendation will include the description of the items or the groups of items and a recommended method of sale or disposition.

Property covered by this section may be disposed of through a public or private exchange or sale. Pursuant to G.S. 160A-270(c), the board delegates to the superintendent or designee the authority to conduct electronic auctions of surplus property. The superintendent or designee shall choose or recommend a method of disposal that is designed to obtain a fair market value for the property, in the most efficient and economical manner possible, and is in the best interest of the school system as determined by the superintendent or designee.

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

**B. PROPERTY WORTH $30,000 OR MORE**

Property worth at least $30,000 will be disposed of pursuant to the requirements of G.S. 160A, article 12.

Legal References: 2 C.F.R. 200.313-200.314; G.S. 115C-518; 147, art. 6E, art. 6G;160A, art. 12

Cross References: Fixed Assets Inventory (policy 8350)

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

The board intends to comply fully with all licensure requirements of the Elementary and Secondary Education Act, state law, and State Board of Education policies.

## A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, a professional employee must hold at all times a valid North Carolina license appropriate to his or her position.

2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. ~~In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by the State Board of Education. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.~~

3. The board may employ candidates entering ~~encourages entry into~~ the teaching profession ~~by skilled individuals~~ ~~from the private sector~~ from other fields who hold a ~~meet state~~ residency license~~ure requirements.~~ or an emergency license.

4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ ~~for up to one year~~ an individual who holds a permit to teach ~~an emergency license~~ issued by the State Board of Education. ~~An emergency license is not renewable.~~

## B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

   An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 10 hours per week, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects

   In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for

specific core academic subjects, provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

3. Interim Principals

A retired former principal or assistant principal may be employed as an interim principal for the remainder of any school year, regardless of licensure status.

4. Cherokee Language and Culture Instructors

An individual approved to teach in accordance with an MOU entered into pursuant to G.S. 115C-270.21 will be authorized to teach Cherokee language and culture classes without a license.

5. Driver Education Instructors

An individual, who is not licensed in driver education, is authorized to work as a driver education instructor if the individual holds Certified Driver Training Instructor status according to minimum standards established by State Board of Education policy DRIV-003.

## C. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and kept on file for review. The superintendent or designee shall submit an annual report on the Beginning Teacher Support Program to the Department of Public Instruction (DPI) by October 1 of each year. The report must include evidence of demonstrated proficiency on the Beginning Teachers Support Program Standards and evidence of mentor success in meeting Mentor Standards. The school system will also participate in implementing a regionally-based annual peer review and support system.

Teachers with fewer than three years of teaching experience will be required to participate in the Beginning Teacher Support Program.

## D. LICENSE CONVERSION

Teachers must ~~teach three years and~~ meet all ~~other~~ requirements of the State Board of Education in order to move from an initial to a continuing professional license. Licensing is a state decision and cannot be appealed at the local level. The superintendent or designee shall ensure that teachers not qualifying for continuing professional licensure are informed of the process for appealing the state decision.

## E. LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any

employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

The school system may offer courses, workshops, and independent study activities to help school personnel meet license renewal requirements. Any renewal activity offered must be consistent with State Board of Education policy. In addition, the superintendent or designee shall develop a procedure to determine the appropriateness of any credit offered in advance of renewal activities.

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing professional license will be made in accordance with ~~state law~~ G.S. 115C-270.30(b)(4) and applicable State Board of Education requirements. The superintendent or designee shall determine the professional development required of a teacher whose continuing professional license has reverted to an initial professional license and/or has expired due to performance issues. The superintendent or designee may authorize or direct principals to prescribe professional development to such employees in accordance with the employee's demonstrated deficiencies.

## F. PARENTAL NOTIFICATION

At the beginning of each school year, ~~the~~ school system officials shall~~will~~ notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing ~~requirements~~ criteria for the ~~subject or~~ grade level(s) and subject area(s) ~~they are teaching~~in which the teacher provides instruction; whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have ~~has had any licensure requirements~~ been waived; whether the teacher is teaching in the field of discipline of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system will give notice within 10 school days to the parents of children who have been assigned or, after four consecutive weeks, have been taught ~~a core academic subject~~ by a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned~~is not highly qualified~~.

## G. EQUITABLE DISTRIBUTION OF TEACHERS

The superintendent shall assess whether low-income, minority, learning disabled, and/or English learners are being taught by inexperienced, ineffective, or out-of-field teachers at higher rates than students who do not fall into these categories and shall develop a plan to address any such disparities. If DPI does not require such a plan of the LEA, the superintendent is not required to develop a plan under this subsection unless he or she determines that one is needed to address inequities within the school system.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies DRIV-003, DRIV-004, EVAL-004, EVAL-023, LICN-001, ~~-004,~~ LICN-005, LICN-018, LICN-021, LICN-022, NCAC-6C.0102, NCAC-6C.0307, TCED-016

Cross References:

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: December 6, 2011
Updated: April 3, 2012
Updated: June 2, 2014
Updated: December 5, 2016
Updated: December 4, 2017

## ~~A. HIGHLY QUALIFIED TEACHERS DEFINED~~

~~1. Elementary School Teachers~~

~~To be a "highly qualified" teacher at the elementary school level, a teacher must have an appropriate license for the core academic subjects taught. A teacher must also demonstrate subject knowledge and teaching skills in reading/language arts, writing, mathematics, and other areas of the basic elementary school curriculum by passing the State Board of Education approved exams required for the license within the time period established by state law.~~

~~2. Middle and High School Teachers~~

~~To be a "highly qualified" teacher at the middle and high school levels, a teacher must have a middle school or secondary license in the teaching area required for each teaching assignment. A teacher must also demonstrate a high level of competency by:~~

~~a. Passing the required State Board of Education approved test(s) in each academic subject in which he or she teaches within the time period established by state law; or~~

~~b. Successfully completing in each academic subject in which he or she teaches any of the following:~~

~~1) an undergraduate major;~~

~~2) coursework equivalent to an undergraduate major;~~

~~3) a graduate degree in the core teaching subject area(s);~~

~~4) master's level licensure or above in the appropriate subject area; or~~

~~5) National Board for Professional Teaching Standards certification in the related subject area(s).~~

~~3. Exceptional Children's and English as a Second Language (ESL) Teachers~~

~~To be a "highly qualified" teacher in an exceptional children's class or ESL class, a teacher must have the exceptional children's and/or ESL license required for the teaching assignment. The teacher must also demonstrate the subject knowledge~~

and teaching skills in the content areas taught by passing the State Board of Education approved exams required for the license within the time period established by state law. This paragraph applies to exceptional children's teachers and ESL teachers who are the teachers of record for core academic areas.

4. Out-of-State Teachers

An out-of-state teacher who submits documentation that he or she has been deemed "highly qualified" in another state will be designated "highly qualified" in North Carolina provided that he or she has at least a bachelor's degree from an accredited college or university. This documentation may include satisfactory test scores from the originating state, verification of satisfactory completion of the High Objective Uniform State Standard for Evaluation (HOUSSE) for the originating state, or verification of National Board Certification.

5. Veteran Teachers

Prior to April 2007, a veteran teacher may have used the NC HOUSSE to establish that he or she is "highly qualified," provided that the teacher had taught full time with a reciprocal state license for not less than six successive calendar months in one school system, charter school or non-public institution.

**B. BEGINNING TEACHER SUPPORT PROGRAM PLAN**

The plan for beginning teacher support must:

1. Describe adequate provisions for efficient management of the program.

2. Designate an official to verify eligibility of beginning teachers for a continuing license.

3. Provide for a formal orientation for beginning teachers that includes a description of available services, training opportunities, the teacher evaluation process, and the process for achieving a continuing license.

4. Address compliance with the optimum working conditions for beginning teachers identified by the SBE.

5. Address compliance with the mentor selection, assignment, and training guidelines identified by state law and the SBE.

6. Provide for the involvement of the principal or designee in supporting the beginning teacher.

7. Provide for a minimum of four observations per year in accordance with G.S. 115C-333 or G.S. 115C-333.1, using the instruments adopted by the SBE for such

~~purposes. The plan must also address the appropriate spacing of observations throughout the year and specify a date by which the annual evaluation is to be completed.~~

~~8. Provide for the preparation of a Professional Development Plan (PDP) by each beginning teacher in collaboration with the principal or designee and the mentor teacher.~~

~~9. Provide for a formal means of identifying and delivering services and technical assistance needed by beginning teachers.~~

~~10. Provide for the maintenance of a cumulative beginning teacher file that contains the PDP and evaluation of report(s).~~

~~11. Provide for the timely transfer of the cumulative beginning teacher file to successive employing LEAs, charter schools, or non-public institutions within the state upon the authorization of the beginning teacher.~~

~~12. Describe a plan for the systematic evaluation of the Beginning Teacher Support Program to assure program quality, effectiveness, and efficient management.~~

~~13. Document that the board has adopted the plan.~~

~~Legal References: G.S. 115C art. 17E; -115C-296.2, -300.1, -325(e)(1)(m), -333, -333.1; State Board of Education Policies LICN-001, -004, NCAC-6C.0102, NCAC-6C.0307~~

~~Cross References:~~

Rescinded:

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.

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 ~~above~~ 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. 115C-47, -307, -308; State Board of Education Policies DRIV-003, DRIV-004

Cross References:

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009

~~The board will~~ It is generally the board's policy to provide for the defense of any civil or criminal action or proceeding brought against an employee in his or her official or individual capacity, or both, on account of an act done or an omission so long as all of the following conditions are met.

1. The act or omission occurred in the scope and course of employment.

2. Defense of the action would not create a conflict of interest between the board and the employee.

3. The employee did not act or fail to act because of fraud, corruption or malice on his or her part.

4. All potential liability insurance carriers and/or liability coverage providers have provided written notification to the employee that the carrier(s) and/or liability coverage provider(s) will not provide a defense for the employee.

In order for the board to provide for the defense pursuant to this policy, the employee must provide a written request to the superintendent as soon as possible upon learning of the claim or action and receiving written notice from all potential insurers and/or liability coverage providers pursuant to item 4 above.

The superintendent, with advice from the board attorney, shall make a recommendation to the board as to whether the board will provide legal representation for the employee. Board approval of an employee's request to provide legal representation will only relate to the initial trial or proceeding. The employee must make an additional request in writing to the board for legal representation at each subsequent stage of the appeal of the action or proceeding.

If an employee's request for legal representation in any civil or criminal action or proceeding is denied and subsequently the employee is found not to be liable or guilty, the board may reimburse the employee a reasonable attorney's fee upon written request of the employee.

To protect its own financial resources, the board will provide for sufficient liability coverage for personnel, workers' compensation coverage and unemployment compensation insurance.

By enacting this policy, the board does not intend to create any contractual rights between the board and any employee and this policy should not be construed to create any contract term or substantive right whatsoever. Further, this policy should not be construed to waive any claim of immunity that the board might otherwise be entitled to make.

Legal References: G.S. 115C-43; *Wray v. City of Greensboro*, 370 N.C. 41 (2017)

Cross References:

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

Employees are expected to avoid engaging in any conduct that creates or gives the appearance to the public of creating a conflict of interest with their job responsibilities. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system. ~~with the school system. Although there may be other conflicts of interests~~ Although conflicts of interest are not limited to those described in this policy, at a minimum employees must comply with the board directives established below.~~follow board directives in the following areas.~~ In addition, employees engaged directly or indirectly in the school system's procurement, purchasing, and/or contracting process must comply with policy 6401/9100, Ethics and the Purchasing Function.

**A. ~~FINANCIAL INTERESTS~~CONTRACTS WITH THE BOARD**

~~An employee shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with duties and responsibilities in the school system.~~

~~1. Contracts with the Board~~

An employee shall not do any of the following:

~~a.~~1. 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;

2. participate in the selection, award, or administration of a contract supported in whole or in part by federal funds if the employee has a real or apparent conflict of interest as described in policy 8305, Federal Grant Administration;

~~b.~~3. influence or attempt to influence anyone who is involved in making or administering a contract on behalf of the board when the employee will obtain a direct benefit from the contract; or

~~c.~~4. 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 by the board.

An employee 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. An employee is involved in making a contract if he or she participates in the development of specifications or terms of the contract or participates in the preparation or award of the contract.

An employee derives a direct benefit from a contract if the employee 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 the superintendent if approved by the board in an open session meeting in accordance with the requirements of state law and subsection D.2 of policy 7100, Recruitment and Selection of Personnel.

~~2. Non-School Employment~~

## B. MISUSE OF INFORMATION

An employee shall not do any of the following:

1. use information, which was learned in the employee's role as an employee and which has not been made public, to acquire a financial interest or gain a financial benefit, or to intentionally help another do so; or

2. acquire or gain, or intentionally help another person to acquire or gain, a financial interest or benefit in contemplation of official action by the employee or the school system.

## ~~B.~~C. NON-SCHOOL EMPLOYMENT

The board recognizes that some employees may pursue additional compensation on their own time. Any such employee shall not engage in the following:

~~a.~~1. non-school employment that adversely affects the employee's availability or effectiveness in fulfilling job responsibilities;

~~b.~~2. work of any type in which the sources of information concerning customer, client, or employer originate from any information obtained through the school system;

~~c.~~3. work of any type that materially and negatively affects the educational program of the school system;

~~d.~~4. any type of private business using system facilities, equipment, or materials, unless prior approval is provided by the superintendent; or

~~e.~~5. any type of private business during school time or on school property, unless prior approval is provided by the superintendent.

The superintendent may grant prior approval for work performed under subsections ~~d~~C.4 and ~~e~~C.5 above if such work enhances the employee's professional ability or professional growth for school-related work. The superintendent may establish reporting procedures that require employees to notify the school system of any non-school employment.

Except as otherwise provided in the superintendent's contract, the superintendent is

subject to the provisions of this section on non-school employment and shall seek prior approval from the board before engaging in consulting or other employment activities outside the school system. The board expects the superintendent to comply with all sections of this policy and all state and federal laws regarding conflicts of interest in his or her position as superintendent.

## ~~C.~~D. RECEIPT OF GIFTS

No employee may solicit or accept any gifts from any potential or current provider of E-rate services or products in violation of federal E-rate program gifting rules.

No ~~school~~ employee may solicit or accept trips, meals, favors, or other gifts or items of monetary value from any other person or group desiring to do or doing business with the school system, unless such gifts are of nominal value ($50 or less) and (1) are instructional products or advertising items ~~of nominal value~~ that are widely distributed; (2) are honorariums for participating in a meeting; (3) are meals served at a banquet; or are approved for receipt by the superintendent or designee. These exceptions for gifts of nominal value do not apply to employees involved in purchasing and procurement activities except as provided in policies 6401/9100, Ethics and the Purchasing Function, and 8305, Federal Grant Administration, and applicable state and federal law.

~~No school employee may solicit or accept any gifts from any potential provider of E-rate services or products in violation of federal gifting rules.~~

## E. VIOLATIONS

The superintendent or designee shall ensure that all personnel are aware of the requirements of this policy and applicable conflict of interest laws. Any individual aware of any violation of this policy, policy 2121, Board Member Conflict of Interest, policy 6401/9100, Ethics and the Purchasing Function, the conflict of interest provisions of policy 8305, Federal Grant Administration, or applicable conflict of interest laws shall report such violation in accordance with policy 1760/7280, Prohibition Against Retaliation. Employees who violate this policy, policy 6401/9100, or the conflict of interest provisions of policy 8305, will be subject to disciplinary action.

Legal References: 2 C.F.R. 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, -33; 115C-47(17a), -47(18); 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 ~~47 C.F.R. 54.503; FCC Sixth Report and Order 10-175~~

Cross References: Prohibition Against Retaliation (policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Recruitment and Selection of Personnel (policy 7100), Federal Grant Administration (policy 8305)

Adopted: May 1, 2000

Updated: August 3, 2009
Updated: November 2, 2009
Updated: December 8, 2010
Updated: January 14, 2013
Updated: December 7, 2015

# REDUCTION IN FORCE: TEACHERS AND SCHOOL ADMINISTRATORS

*Policy Code:* **7920**

The purpose of this policy is to establish an orderly procedure for a reduction in force. This policy applies to (1) employees with career status and (2) all other teachers and school administrators, as defined in the relevant statutes, during the terms of their contracts. A reduction in force among any other employees will be accomplished in accordance with policy 7921, Classified Personnel Reduction, or, as applicable, in accordance with any conflicting terms of an individual employee's contract.

## A. GROUNDS FOR REDUCTION IN FORCE

A reduction in force may be implemented when the board determines that any of the following circumstances have resulted in the need to decrease the number of positions held by employees to whom this policy applies.

1. System Reorganization

   System reorganization is defined as (a) the closing, consolidation, or reorganization of schools, school buildings, or facilities; (b) the elimination, curtailment, or reorganization of a curriculum offering, program, or school operation; or (c) the merger of two or more school systems.

2. Declining Enrollment

   Declining enrollment exists (a) when the enrollment or projected enrollment for the next succeeding school year causes a decrease in the number of teaching or administrative positions allocated by the State or any other funding source; or (b) when the enrollment or projected enrollment of a curriculum offering or program for the next succeeding school year is inadequate to justify continuation of the course or program.

3. Financial Exigency

   Financial exigency means (a) any significant decline in the board's financial resources that compels a reduction in the school system's current operational budget; (b) any significant decrease or elimination in funding for a particular program; or (c) any insufficiency in funding that would render the board unable to continue existing programs at current levels.

## B. PRELIMINARY DETERMINATION

1. The superintendent shall determine whether or not a reduction in force for employees subject to this policy is necessary, appropriate, or in the best interests of the school system.

2. If the superintendent decides to recommend to the board a reduction in force, he or she shall first determine which positions shall be subject to the reduction. In making that determination, the superintendent shall account for both:

   a. structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (1) less essential, duplicative, or excess personnel; (2) job responsibility and/or position inefficiencies; (3) opportunities for combined work functions; and/or (4) decreased student or other demands for curriculum, programs, operations, or other services; and

   b. organizational considerations, such as anticipated organizational needs of the school system and program/school enrollment.

3. The superintendent shall then present a recommendation to the board. The recommendation must include:

   a. the grounds for a reduction in force;

   b. the positions to be reduced, categorized by area(s) of licensure and/or program responsibility; and

   c. the background information, data, and rationale for the recommendation.

4. The board will review the superintendent's recommendation and will determine whether to reduce the number of employees or to reduce their terms of employment.

5. If the board, after exploring, considering, and discussing a variety of ways to avoid a reduction in force, determines that a reduction in force of employees subject to this policy is necessary, the superintendent shall recommend to the board which individuals are to be dismissed, demoted, or reduced to part-time employment, based on the criteria set forth below.

## C. CRITERIA

The primary consideration in any reduction in force will be the maintenance of a sound and balanced educational program that is consistent with the functions and responsibilities of the school system. The superintendent shall consider a variety of factors in determining which employees will be included in the reduction in force, including the following:

1. work performance and evaluation ratings;

2. areas of licensure;

~~3. highly qualified status;~~

~~4.~~3. program enrollment;

~~5.~~4. service in extra duty positions and ability to fill such positions;

~~6.~~5. length of service, with higher priority given to service in this school system; and

~~7.~~6. degree level.

The superintendent shall develop a system for using the above-mentioned factors to determine which employees will be recommended to the board for inclusion in the reduction in force.

**D. PROCEDURE FOR TERMINATION**

The board will consider the superintendent's recommendation and may, by resolution, order dismissal or demotion of an individual or reduce an individual to part-time employment. All requirements of G.S. 115C-325 (for teachers with career status) and 115C-325.6 (for non-career status teachers) will be met, including the time limits and procedures for notice and the opportunity for a hearing, when any teacher with career status (as defined in G.S. 115C-325) or teacher or administrator (as defined in G.S. 115C-325.1) is terminated, demoted, or reduced to part-time employment due to a reduction in force.

**E. TERMINATION/REEMPLOYMENT OF A TEACHER WITH CAREER STATUS**

When a teacher with career status is dismissed in accordance with this policy, his or her name will be placed on a list of available employees to be maintained by the board.

**F. NONRENEWAL OF AN EMPLOYEE**

The board, upon recommendation of the superintendent, may refuse to renew the contract of a non-career status teacher; to offer a new, renewed, or extended contract to a school administrator; or to reemploy any non-career status teacher who is not under contract for any cause it deems sufficient (see policy 7950, Non-Career Status Teachers: Nonrenewal). A decision (1) not to renew a non-career status teacher's contract, (2) not to renew, extend, or offer a new contract to a school administrator, or (3) to not reemploy any non-career status teacher who is not under contract is not considered a "termination" under this policy. In such circumstances the procedures set forth in this policy are not required to be followed before the board's decision.

Legal References: G.S. 115C-287.1, -325 (applicable to career status teachers), -325.4, -325.6 to -325.9 (applicable to non-career status teachers)

Cross References: Classified Personnel Reduction (policy 7921), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: September 12, 2011
Updated: June 2, 2014
Updated: June 1, 2015
Updated: January 11, 2016

The board intends to administer federal grant awards efficiently, effectively, and in compliance with all requirements imposed by law, the awarding agency, and the North Carolina Department of Public Instruction or other applicable pass-through entity.

## A. FINANCIAL MANAGEMENT SYSTEMS AND INTERNAL CONTROLS

The finance officer shall be responsible to the superintendent to develop, monitor, and enforce effective financial management systems and other internal controls over federal awards that provide reasonable assurance that the school system is managing the awards in compliance with all requirements for federal grants and awards. Systems and controls must meet all requirements of federal law and regulation, including the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") issued by the U.S. Office of Budget and Management and any applicable state requirements, and shall be based on best practices.

The financial management and internal controls must provide for (1) identification of all federal funds received and expended and their program source; (2) accurate, current, and complete disclosure of financial data in accordance with federal requirements; (3) records sufficient to track the receipt and use of funds; (4) effective control and accountability over assets to assure they are used only for authorized purposes; and (5) comparison of expenditures against budget. In addition, written procedures must be established for cash management and for determining the allowability of costs, as required by the Uniform Guidance.

At a minimum, the systems and controls shall address the following areas.

1. Allowability

   Costs charged by the school system to a federal grant must be allowed under the individual program and be in accordance with the cost principles established in the Uniform Guidance, including how charges made to the grant for personnel are to be determined. Costs will be charged to a federal grant only when the cost is (1) reasonable and necessary for the program; (2) in compliance with applicable laws, regulations, and grant terms; (3) allocable to the grant; (4) adequately documented; and (5) consistent with school system policies and administrative regulations that apply to both federally-funded and non-federally funded activities. Internal controls shall be sufficient to provide reasonable assurance that charges to federal awards for personnel expenses are accurate, allowable, and properly allocated and documented. Prior written approval for certain cost charges must be obtained as required by the awarding agency in order to avoid subsequent disallowances.

2. Cash Management and Fund Control

Payment methods must be established in writing that minimize the time elapsed between the draw of federal funds and the disbursement of those funds. Standards for funds control and accountability must be met as required by the Uniform Guidance for advance payments.

3. Procurement

All purchases for property and services made using federal funds must be conducted in accordance with all applicable federal, state and local laws and regulations, the Uniform Guidance, and the school system's written policies and procedures. The district shall avoid situations that unnecessarily restrict competition, as defined in 2 C.F.R. 200.319, and shall avoid acquisition of unnecessary or duplicative items. Noncompetitive procurement will be used only in the circumstances allowed by 2 C.F.R. 200.320. Individuals or organizations that develop or draft specifications, requirements, statements of work, and/or invitations for bids, requests for proposals, or invitations to negotiate, must be excluded from competing for such purchases.

Contracts are to be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. No contract shall be awarded to a contractor who is suspended or debarred from eligibility for participation in federal assistance programs or activities.

Purchasing records must be sufficiently maintained to detail the history of all procurements and must include at least the rationale for the method of procurement, selection of contract type, and contractor selection or rejection; the basis for the contract price; and verification that the contractor is not suspended or debarred.

The requirements for conflicts of interest established below in subsection A.4 are applicable to all procurements.

4. Conflict of Interest

In addition to the prohibitions against self-benefitting from a public contract under G.S. 14-234 and accepting gifts and favors from vendors under G.S. 133-32 (see policies 2121, Board Member Conflict of Interest; 6401/9100, Ethics and the Purchasing Function; and 7730, Employee Conflict of Interest), the following standards of conduct apply when an employee, board member, or agent of the school system engages in the procurement of goods, services, or construction or repair projects funded in whole or part with federal financial assistance.

a. No employee, board member, or agent of the school system may participate directly or indirectly in the selection, award, or administration of a contract supported by a federal grant or award if he or she has a real or apparent conflict of interest.

~~Each employee, board member, or agent of the school system who is engaged in the selection, award, or administration of a contract supported by a federal grant or award ("covered individual") and who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing any potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.~~

~~For purposes of this paragraph, a~~ A real or apparent conflict of interest exists ~~would arise~~ when (1) the employee, board member, or agent of the school system~~covered individual~~, (2) any member of his or her immediate family, (3) his or her partner, or (4) an organization which employs or is about to employ any of those parties, has a financial or other interest in or receives a tangible personal benefit from a firm considered for a contract. ~~A covered individual who is required to disclose a conflict in accordance with this paragraph shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.~~ For purposes of this paragraph, "financial interest" means a financial interest which comprises more than five percent of the equity of the firm or business or more than five percent of the assets of the economic interest in indebtedness. "Financial interest" does not include an ownership interest held through a fiduciary, such as a mutual fund or blind trust, where the individual or individual's employer has no control over the selection of holdings.

Any employee, board member, or agent of the school system who has a potential conflict of interest shall disclose that conflict in writing to the superintendent. The superintendent shall disclose in writing the potential conflict of interest to the federal awarding agency in accordance with 2 C.F.R. 200.112.

b. ~~Covered individuals shall not~~ No employee, board member, or agent of the school system may solicit or accept any trips, meals, gratuities, favors, gifts, or other items of monetary value from a contractor, supplier, or a party to a subcontract except that ~~for a federal grant or award; however, covered individuals may accept~~ (1) a single unsolicited item with a nominal value ~~of~~ ($50 or less) or (2) multiple unsolicited items from a single contractor or subcontractor having an aggregate monetary value of $100 or less in a 12-month period may be accepted. Violations of this rule are subject to disciplinary action.

5. Mandatory Disclosures

   The superintendent shall disclose in writing to the federal awarding agency in a timely manner all violations of federal criminal law involving fraud, bribery, or gratuities potentially affecting any federal award. The superintendent shall fully address any such violations promptly and shall notify the board accordingly. The board may request the superintendent to develop a plan of correction for board approval in appropriate situations as determined by the board.

6. Equipment and Supplies Purchased with Federal Funds

   Equipment and supplies acquired with federal funds will be used, managed, and disposed of in accordance with applicable state and federal requirements. Property records and inventory systems shall be sufficiently maintained to account for and track equipment that has been acquired with federal funds.

7. Accountability and Certifications

   All fiscal transactions must be approved by the finance officer and by the program manager or other person who can attest that the expenditure is allowable and approved under the federal program.

   The finance officer shall submit all required certifications and is authorized to sign them on behalf of the board.

8. Monitoring and Reporting Performance

   The superintendent shall establish sufficient oversight of the operations of federally supported activities to assure compliance with applicable federal requirements and to ensure that program objectives established by the awarding agency are being achieved. Performance reports, including reports of significant developments that arise between scheduled performance reporting dates, must be submitted as required by federal or state authorities.

## B. AUDITS AND CORRECTIVE ACTION

1. An annual independent audit will be conducted as provided in policy 8310, Annual Independent Audit. The finance officer will prepare all financial statements, schedules of expenditures, and other documents required for the audit.

2. At the completion of the audit, the superintendent or designee shall prepare a corrective action plan to address any audit findings. The plan must identify the responsible party and the anticipated completion date for each corrective action to be taken. The superintendent shall present the plan to the board for approval.

3. Compliance deficiencies discovered internally through administrative supervision must be addressed promptly with the goal of improving processes to encourage future compliance and reduce audit findings.

## C. TRAINING

All individuals responsible for the administration of a federal grant or award shall be provided sufficient training to carry out their duties in accordance with all applicable requirements for the federal grant or award.

## D. OTHER APPLICABLE BOARD POLICIES

Other board policies provide additional controls over the administration of federal grants. These include, but are not necessarily limited to:

1. Educational programs policies (policies in the 3000 series)

2. School nutrition services policies (policies in the 6200 series)

3. Purchasing policies (policies in the 6400 series)

4. Equipment, materials, and supplies policies (policies in the 6500 series)

5. Personnel policies (policies in the 7000 series)

6. Fiscal management policies (policies in the 8000 series)

The board intends to comply with all requirements applicable to the use of federal funds. To the extent that any provision of a board policy is contrary to a federal law, regulation, term, or condition applicable to a federal award, employees must follow the applicable federal requirement.

## E. REPORTING MISMANAGEMENT OF FEDERAL FUNDS

Any employee who reasonably believes that federal funds have been misused or that the school system is otherwise in violation of any requirement applicable to the receipt and use of federal funds should report the matter as provided in policy 1760/7280, Prohibition Against Retaliation.

Legal References: 2. C.F.R. Part 200; G.S. 14-234; 133-32

Cross References: Prohibition Against Retaliation (~~P~~policy 1760/7280), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Employee Conflict of Interest (policy 7730), Fiscal Management Standards (policy 8300)

Other References: *Standards for Internal Control in the Federal Government ("The Green Book")* (GAO), available at http://www.gao.gov/greenbook/overview; *Internal Control Framework* (Committee of Sponsoring Organizations of the Treadway Commission (COSO)), executive summary, available at http://www.coso.org/ic.htm; *Compliance Supplement, Part 6, Internal Control* (Office of Management and Budget), available at
~~https://www.whitehouse.gov/omb/financial_fin_single_audit~~
https://www.whitehouse.gov/sites/whitehouse.gov/files/omb/circulars/A133/2017/Compliance_Supplement_2017.pdf

Adopted: June 6, 2016

# USE AND SELECTION OF ARCHITECTS, ENGINEERS, SURVEYORS, AND CONSTRUCTION MANAGERS AT RISK

*Policy Code:* **9110**

## A. USE OF ARCHITECTS AND/OR ENGINEERS

To the extent required by North Carolina General Statute 133-1.1, a registered architect or registered engineer, or both, will be used to design and inspect school system buildings being repaired or constructed. In addition, architects and/or engineers may be used for services, such as:

1. preparing feasibility studies for additions, alterations, or renovations of existing facilities;

2. providing consulting services on technical matters;

3. providing services related to long-range planning or facility design; and

4. assisting in the preparation and submission of any documents requested by other governmental agencies.

## B. SELECTION PROCESS FOR ARCHITECTURAL, ENGINEERING, SURVEYING, AND CONSTRUCTION MANAGEMENT AT RISK SERVICES

Except as otherwise permitted under G.S. 115C-521(g), the procurement of architectural, engineering, surveying, or construction management at risk services for facility design, construction, and related services will be accomplished in accordance with the following requirements. Any purchase of services using federal funds must also be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.)

1. Projects with an Estimated Professional Fee of $50,000 or More

   a. The superintendent shall solicit proposals from service providers for selection based upon qualifications using the following or similar criteria:

      1) training and experience of the service provider, especially in school-related projects;

      2) planning ability and promptness;

      3) experience in specification writing, including reputation for

accuracy and sufficiency of detail;

4) experience in the construction of K-12 buildings;

5) reputation for quality of design and construction in appearance and utility;

6) history of thorough inspections and follow-through with jobs;

7) timely completion of projects within the established budgets;

8) relationships with contractors and designers; and

9) any other factors the superintendent deems relevant.

b. The superintendent shall provide a list of qualified service providers to the board for consideration and selection unless the estimated professional fee for the project is within the superintendent's authority to contract as provided in policy 6420, Contracts with the Board. The list shall not include any company whose name appears on the state treasurer's lists of restricted companies, developed in accordance with G.S. 147, art. 6E or art. 6G.

c. A North Carolina resident firm will be granted a preference over a nonresident firm if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis, and to the same extent as the preference granted by the nonresident firm's home state. The solicitation documents must require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

d. Fees will be negotiated with the selected firm. If a fair and reasonable fee cannot be agreed upon, the board or superintendent will select the next best qualified firm and negotiate fees. The contract with the firm must be reviewed by the board attorney and meet all applicable laws and board policies. The contract must have board approval unless the board has delegated this authority to the superintendent in policy 6420.

2. Projects with an Estimated Professional Fee of Less than $50,000

a. The process established in subsection B.1 is not required unless otherwise directed by the board or superintendent for a specific project.

b. When the estimated professional fee for a project is estimated to be **within** the superintendent's authority to contract on behalf of the board as

provided in policy 6420, Contracts with the Board, the superintendent shall have authority to select the firm. Board approval of the firm is not required. The contract with the firm must meet all applicable laws and board policies and must be consistent with G.S. 147, art. 6E and art. 6G.

c. When the professional fee is estimated to **exceed** the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall recommend one or more firms to the board for consideration. The board will approve the selection of the firm. The contract with the firm must be reviewed by the board attorney, be approved by the board, meet all applicable laws and board policies, and be consistent with G.S. 147, art. 6E and art. 6G.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 115C-521(g); 133, arts. 1 and 3; 143-64.31, -64.32; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Federal Grant Administration (policy 8305), Site Selection (policy 9010), Facility Design (policy 9020)

Adopted: May 1, 2000
Updated: June 1, 2009
Updated: December 9, 2013
Updated: December 7, 2015
Updated: June 6, 2016
Updated: December 5, 2016
Updated; December 4, 2017

The board strives to obtain high quality services at a reasonable price through the bidding process employed by the school system. This policy describes state and local requirements. Any contracts funded with federal funds must also be made in accordance with the terms and conditions of the federal award and all applicable requirements of federal law and regulation, including the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards ("Uniform Guidance") issued by the U.S. Office of Budget and Management. (See also policy 8305, Federal Grant Administration.)

## A. STANDARDS FOR PARTICIPATION IN CONSTRUCTION CONTRACTS

All contracts formally or informally bid will be awarded to the lowest responsible bidder, taking into consideration quality, performance, reliability, and the time specified in the bids for performance of the contract. Contracts will contain a provision stating that the contractor and contractor's subcontractors, if any, must comply with the requirements of G.S. Chapter 64, Article 2. Prior to bidding, contractors may be required to prequalify if the board has elected to use this process. No contract may be entered into with a restricted company, as listed by the state treasurer in accordance with G.S. 147, art. 6E or 6G, except as permitted by those laws.

The board prohibits discrimination against any person or business on the basis of race, color, ethnic origin, sex, disability, or religion. In addition, in accordance with G.S. 143-133.5, the board prohibits discrimination against a bidder or contractor for being party to, refusing to be party to, adhering to, or refusing to adhere to an agreement with a labor organization. The superintendent is required to conduct contracting and purchasing programs so as to prevent such discrimination

The superintendent, on behalf of the board, must certify that good faith efforts have been made to increase the participation in construction contracts by minority-owned and female-owned businesses, as required by policy 9125, Participation by Minority Businesses.

The board will grant a North Carolina resident firm providing architectural, engineering, surveying, construction management at-risk service, design-build services, or public-private construction services a preference over a nonresident firm, if the home state of the nonresident firm has a practice of granting a preference to its resident firms over North Carolina resident firms. Any preference granted to a resident firm will be in the same manner, on the same basis, and to the same extent as the preference granted by the nonresident firm's home state. The school system's bid documents will require that nonresident firms disclose and describe any construction contract preferences granted by the firm's home state.

## B. BIDDING METHODS

The board may request bids for contracts for building projects using single prime, multi-prime (separate prime), construction management at-risk, dual bidding, design-build, design-build bridging, and public-private partnership methods, as permitted by law. The superintendent shall make a recommendation to the board as to the method(s) that should be used for a particular project.

If the superintendent believes the project cannot be reasonably completed under the methods authorized by G.S. 143-128, the superintendent shall so inform the board and make the recommendation to the board that it approve the use of alternative methods. Upon board approval,

the superintendent shall submit to the State Building Commission a request to use an alternative contracting method along with supporting documentation.

## C. FORMAL BIDDING

Construction and repair work requiring the estimated expenditure of $500,000 or more will be advertised for bid and will be awarded through formal bidding procedures. Dividing contracts to lower the expenditure amounts so as to evade these requirements is prohibited. The board authorizes the use of newspaper advertisement, electronic advertisement, or both for formal bids; however, the superintendent has the authority to determine which method will be used for a specific purchase or categories of purchases. The superintendent shall establish formal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders or potential bidders.

## D. INFORMAL BIDDING

Informal bids will be obtained for construction and repair contracts between $30,000 and $500,000. Quotations from contractors may be solicited by telephone or in writing. Informal bids are recommended, but not required, for construction and repair work costing less than $30,000.

Dividing contracts to lower the expenditure amounts so as to evade the informal bidding requirements is prohibited. The superintendent shall develop informal bidding procedures consistent with this policy and applicable law and make the procedures available to all bidders and potential bidders.

## E. APPROVAL

All formally bid construction contracts must be reviewed by the board attorney. The superintendent shall consult with the board attorney in developing standard form contracts for informally bid construction projects.

Any construction or repair contract involving expenditures in excess $50,000 must be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into construction or repair contracts involving amounts up to $50,000. Change orders for construction and repair contracts will be subject to the requirements of policy 9030, Facility Construction, not this provision

## F. RECORDS AND REPORTING REQUIREMENTS

Records of all informal or formal bids received will be maintained and will be available for public inspection. Such records should include the date the bid is received, from whom it is received, and what project it is for. The records will document why the selected contractor was the lowest responsive, responsible bidder if the contractor was not the low bidder.

The superintendent must submit required reports to the State and provide reports to the board on the progress being made towards reaching the board's goals.

At least monthly, the superintendent shall report to the board all contracts approved by the superintendent under this policy that exceed $50,000.

## G. DISPUTE RESOLUTION PROCESS

The board establishes the following dispute resolution process to resolve issues arising out of construction and repair projects or contracts related to such projects. The dispute resolution process may be used by any party involved in the construction project for those disputes in which the amount in controversy is at least $15,000.

Prior to initiating litigation concerning a dispute, parties to the dispute must do the following: (1) submit the dispute for review by the superintendent or other designated school official and the project architect, as appropriate, and (2) participate in mediation, if the matter cannot be resolved by school officials and the architect. The cost of the dispute resolution process will be divided between the parties to the dispute. If the board is a party to the dispute, the board will pay at least one-third of the cost.

Legal References: 2 C.F.R. 200.317-200.326; G.S. 64, art. 2; 115C-521, -522; 143-64.31 and art. 8; 147 art. 6E, art. 6G

Cross References: Contracts with the Board (policy 6420), Federal Grant Administration (policy 8305) Facility Construction Policy (9030), Prequalification of Bidders for Construction Projects (policy 9115), Participation by Minority Businesses (policy 9125)

Adopted: January 11, 2016
Updated: June 6, 2016
Updated: August 23, 2016
Updated: October 3, 2016
Updated: December 4, 2017