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TO: Board of Education

FROM: Kevin Lancaster

DATE: June 4, 2018

SUBJ: Agenda Items – Policies for Approval *Action Item*

Attached you will find proposed Policy Code for your consideration.

- Policy 1710/4021/7230 Prohibition Against Discrimination, Harassment, and Bullying
- Policy 1720/4015/7225 Discrimination, Harassment, and Bullying Complaint Procedure
- Policy 3200 Selection of Instructional Materials
- Policy 3565/8307 Title 1 Program Comparability of Services
- Policy 4316 Student Dress Code
- Policy 4328 Gang-Related Activity
- Policy 4400 Attendance
- Policy 5010 Parent Organizations
- Policy 5070/7350 Public Records-Retention, Release, and Disposition
- Policy 6220 Operation of School Nutrition Services
- Policy 6420 Contracts with the Board
- Policy 6421 Pre-audit and Disbursement Certifications
- Policy 7100 Recruitment and Selection of Personnel
- Policy 7240 Drug-Free and Alcohol-Free Workplace
- Policy 7410 Teacher Contracts
- Policy 8220 Gifts and Bequests
- Policy 8300 Fiscal Management Standards
- Policy 8325 Daily Deposits
- Policy 8510 School Finance Officer
- Policy 9125 Participation by Minority-Businesses

I will be available to answer any questions you may have.

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, color, national origin, sex, disability, or age and will provide equal access to the Boy Scouts and other designated youth groups as required by law. The board will not tolerate any form of unlawful discrimination, harassment, or bullying in any of its educational or employment activities or programs. Any violation of this policy will be considered serious and school officials shall promptly take appropriate action to address the violation.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment, and Bullying

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

Students are expected to comply with the behavior standards established by board policy, and the Code of Student Conduct, and school and classroom rules. Employees are expected to comply with board policy, and school system regulations, and school rules. Volunteers and visitors on school property also are expected to comply with board policy, school system regulations, and established school rules and procedures.

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

Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and

~~including, expulsion~~

~~Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal.~~

~~Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.~~

~~When considering if a response beyond the individual level is appropriate, school administrators should consider the nature and severity of the misconduct to determine whether a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the superintendent to address the behavior.~~

~~2. Retaliation~~

~~The board prohibits reprisal or retaliation against any person for reporting or intending to report violations of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of reported violations of this policy.~~

~~After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state or local laws, policies, and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.~~

~~B. APPLICATION OF POLICY~~

~~This policy prohibits unlawful discrimination, harassment, and bullying by students, employees, volunteers, and visitors. "Visitors" includes persons, agencies, vendors, contractors, and organizations doing business with or performing services for the school system.~~

~~This policy applies to behavior that takes place:~~

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

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

~~3. at any bus stop;~~

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

~~5. at any time or place when the individual is subject to the authority of school personnel; and~~

~~6.~~1. ~~at any time or place when the behavior has a direct and immediate effect on maintaining order and discipline in the schools.~~

~~7. By the way of inclusion, but not limitation, this policy applies to the use of computers, text messaging, cell phones, or other medium in a manner that materially and substantially interferes with the requirements of appropriate discipline in the operation of the schools~~

~~C.~~B. DEFINITIONS

For purposes of this policy, the following definitions apply:

1. Discrimination

   Discrimination means any act or failure to act, whether intentional or unintentional, that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a socially distinct group or category, such as race, ethnicity, sex, pregnancy, religion, age, or disability. ~~Discrimination may be intentional or unintentional.~~

2. Harassment and Bullying

   a. Harassment or bullying behavior is deliberate conduct intended to harm another person or group of persons. Such conduct violates this policy when any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication ~~that~~:

      1) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property; or

      2) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities, or benefits or by adversely altering the conditions of an employee's employment.

   "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe.

   Harassment and bullying include, but are not limited to, behavior described above that is reasonably perceived as being motivated by any actual or

perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability. Examples of behavior that may constitute bullying or harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment and bullying may occur through electronic means ("cyberbullying"), such as through the Internet, emailing, or text messaging, or by use of personal websites to support deliberate and repeated behavior intended to cause harm to persons or groups. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

Harassment, including sexual or gender-based harassment, as described below, is not limited to specific situations or relationships. It may occur between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

b. Sexual harassment is a form ~~one type~~ of harassment that violates this policy. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1) submission to the conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, academic progress, or completion of a school-related activity;

2) submission to or rejection of such conduct is used as the basis for employment decisions affecting the individual, or in the case of a student, submission to or rejection of such conduct is used in evaluating the student's performance within a course of study or other school-related activity; or

3) such conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of (a) unreasonably interfering with an employee's work or performance or a student's educational performance, (b) limiting a student's ability to participate in or benefit from an educational program or environment, or (c) creating an abusive, intimidating, hostile, or offensive work or educational

environment.

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual nature, suggestions or demands for sexual involvement accompanied by implied or overt promises of preferential treatment or threats, pressure for sexual activity, continued or repeated offensive sexual flirtations, advances or propositions, continued or repeated verbal remarks about an individual's body, sexually degrading words used toward an individual or to describe an individual, sexual assault, sexual violence, or the display of sexually suggestive drawings, objects, pictures, or written materials. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex, but not involving sexual activity or language, may be combined with incidents of sexually harassing conduct to determine if the incidents of sexually harassing conduct are sufficiently serious to create a sexually hostile environment.

As provided in policy 4040/7310, Staff-Student Relations, employees are strictly prohibited from engaging in a romantic or sexual relationship with any student enrolled in the school system, whether or not the relationship is consensual. Such conduct is prohibited whether or not it constitutes sexual harassment.

c. Gender-based harassment is also a type of harassment that violates this policy. Gender-based harassment may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping but not involving conduct of a sexual nature.

C. REPORTING AND INVESTIGATING COMPLAINTS OF DISCRIMINATION, HARASSMENT, OR BULLYING

Any person who believes that he or she has been discriminated against, harassed, or bullied in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination, harassment, or bullying, should inform a school official designated to receive such complaints, as described in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

Any employee who has witnessed, or who has reliable information that another person may have been subjected to discrimination, harassment, or bullying in violation of this policy has a duty to report such conduct in accordance with policy 1720/4015/7225. Employees who observe an incident of harassment or bullying are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination, harassment, or bullying and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to

disciplinary action up to, and including, dismissal.

~~Employees are required to report any actual or suspected violations of this policy. Students, parents, volunteers, visitors, or others are also strongly encouraged to report any actual or suspected incidents of discrimination, harassment, or bullying. All reports should be made in accordance with policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure, and reported to one of the school officials identified in that policy.~~

Reports, except mandatory employee reports, may be made anonymously, and all reports ~~shall~~ will be investigated in accordance with ~~that~~ policy 1720/4015/7225.

D. RESPONDING TO OCCURRENCES OF DISCRIMINATION, HARASSMENT, OR BULLYING

1. Consequences for the Perpetrator

a. Disciplinary Consequences for Students

Students will be disciplined in accordance with the school's student behavior management plan (see policy 4302, School Plan for Management of Student Behavior). Based on the nature and severity of the offense and the circumstances surrounding the incident, the student will be subject to appropriate consequences and remedial actions ranging from positive behavioral interventions up to, and including, expulsion. In addition, the violation may also be reported to law enforcement, as appropriate.

Incidents of misbehavior that do not rise to the level of discriminatory harassment or bullying may violate acceptable standards of student behavior, including, but not limited to, the expectation that students will demonstrate civility and integrity in their actions and interactions with others. See policy 4310, Integrity and Civility. The consequences for such behavior will be consistent with applicable board policy and the Code of Student Conduct.

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

b. Disciplinary Consequences for Employees

Employees who violate this policy will be subject to disciplinary action up to, and including, dismissal. In addition, the violation may also be reported to law enforcement, as appropriate. Nothing in this policy will preclude the school system from taking disciplinary action against an employee when the evidence does not establish unlawful discrimination, harassment, or

bullying, but the conduct otherwise violates board policy or expected standards of employee behavior.

c. Consequences for Other Perpetrators

Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools. A third party under the supervision and control of the school system will be subject to termination of contracts/agreements, restricted from school property, and/or subject to other consequences, as appropriate.

2. Consideration of Need for More Extensive Response

School administrators shall consider whether the misconduct warrants more than just a response at the individual level. Given the nature and severity of the misconduct, the administrators may determine that a classroom, school-wide, or school system-wide response is necessary. Such classroom, school-wide, or school system-wide responses may include additional staff training, harassment and bullying prevention programs, and other measures deemed appropriate by the superintendent to address the behavior. The actions taken must be reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

3. Retaliation Prohibited

The board prohibits reprisal or retaliation against any person for (a) reporting or intending to report violations of this policy, (b) supporting someone for reporting or intending to report a violation of this policy, or (c) participating in the investigation of reported violations of this policy.

After consideration of the nature and circumstances of the reprisal or retaliation and in accordance with applicable federal, state, or local laws, policies, and regulations, the superintendent or designee shall determine the consequences and remedial action for a person found to have engaged in reprisal or retaliation.

~~D.~~E. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent ~~help eliminate unlawful~~ discrimination, harassment, and bullying and to foster an environment of understanding and respect for all members of the school community. Information about this policy and the related complaint procedure must be included in the training plan.

As funds are available, the board will provide additional training for students, employees, and volunteers who have significant contact with students regarding the board's efforts to

address discrimination, harassment, and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination, harassment, or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment, or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

~~E.~~F. NOTICE

The superintendent is responsible for providing effective notice to students, parents, and employees of this policy and of the procedures for reporting and investigating complaints of discrimination, harassment, and bullying established in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure. The superintendent must ensure that each ~~school~~ principal provides a copy of this policy and policy 1720/4015/7225 to students, employees, and parents or other responsible care givers at the beginning of each school year. In addition, both policies must be posted on the school system website, and copies of the policies must be readily available at each school and worksite ~~in the principal's office, the media center at each school, and the superintendent's office~~. Notice of the policies must appear in all student and employee handbooks and in any school or school system publication that sets forth the comprehensive rules, procedures, and standards of conduct for students and employees.

~~F.~~G. COORDINATORS

The superintendent has appointed the following individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal non-discrimination laws. These responsibilities include investigating any complaints communicated to school officials alleging noncompliance with Title VI or Title IX of the Civil Rights Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act (ADA), the Age Discrimination Act, and/or the Boy Scouts Act, or alleging actions which would be prohibited by those laws.

1. Title IX Coordinator
   Name:
   Office Address:
   Phone Number:

2. Section 504 Coordinator
   Name:
   Office Address:
   Phone Number:

3. ADA Coordinator
   Name:
   Office Address:
   Phone Number:

4. Age Discrimination Coordinator
   Name:
   Office Address:
   Phone Number:

5. Coordinator for Other Non-discrimination Laws
   Name:
   Office Address:
   Phone Number:

~~G.~~H. RECORDS AND REPORTING

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

The superintendent shall report to the State Board of Education all verified cases of discrimination, harassment, or bullying. The report must be made through the Discipline Data Collection Report or through other means required by the State Board.

~~H.~~I. EVALUATION

The superintendent shall evaluate the effectiveness of efforts to correct or prevent discrimination, harassment, and bullying and shall share these evaluations periodically with the board.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq*., 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq*., 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title 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~~,~~ (~~October 26,~~ 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), (~~April 4, 2011~~) 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; *Oncale v. Sundowner Offshore Services*, 523 U.S. 75 (1998); G.S. 115C-335.5, -407.15 through -407.18; 126-16; State Board of Education Policy SSCH-000

Cross References: Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 1760/7280), Equal Educational Opportunities (policy 4001), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Recruitment and Selection of Personnel (policy 7100), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: August 6, 2007
Updated: February 14, 2005
Updated: April 6, 2009
Updated: January 12, 2010
Updated: April 3, 2012
Updated: December 9, 2013
Updated: December 8, 2014
Updated: December 7, 2015

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. ~~of this policy.~~ In addition, the process in this policy should be used to report a violation of policy 4040/7310, Staff-Student Relations.

~~Reports~~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~~an~~ 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.

4. Investigation of Reports

School officials shall sufficiently investigate all reports ~~Reports~~ of discrimination, harassment, or bullying, even if the alleged victim does not file a complaint or seek action by school officials, ~~will be investigated sufficiently~~ to understand what occurred and to determine whether further action under this policy or otherwise is necessary., ~~and~~ ~~school~~ 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. ~~Informal procedures may be used only if the parties involved voluntarily agree.~~

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.

~~c.~~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.

~~d.~~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.

~~e.~~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 is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230 or policy 1730/4022/7231. In so doing, the investigator shall impartially, promptly, and thoroughly investigate the complaint.~~ 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.

~~b.~~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.

~~c.~~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-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

In order to help fulfill the educational goals and objectives of the school system, the board strives to provide instructional materials that will enrich and support the curriculum and enhance student learning. Instructional materials should be representative of the rich diversity of our nation and appropriate for the maturity levels and abilities of the students.

Instructional materials constitute all materials, whether print, non-print, digital or any combination thereof, used in the instructional program. For purposes of this policy, instructional materials will be divided into two categories: textbooks and supplementary materials.

A. SELECTION OF TEXTBOOKS

Textbooks are systematically organized materials comprehensive enough to cover the primary objectives outlined in the current statewide instructional standards for a grade or course. Formats for textbooks may be print, non-print or digital media, including hardbound books, softbound books, activity-oriented programs, classroom kits and technology-based programs or materials that require the use of electronic equipment in order to be used in the learning process. Technology-based programs may include subscription or web-based materials.

State-approved textbooks will be used as the primary means to help students meet the goals and objectives of the current statewide instructional standards, unless the board approves alternative materials. The central curriculum committee or a school through its school improvement plan may submit a request for the use of alternative textbooks. The request should identify how the committee or school has ensured that the curriculum will continue to be aligned with the current statewide instructional standards and to meet the educational goals of the board.

B. SELECTION OF SUPPLEMENTARY MATERIALS

Supplementary materials are instructional and learning resources which are selected to complement, enrich or extend the curriculum. Such resources include, for example, specialized materials selected to meet diverse needs or rapidly changing circumstances, library materials, digital resources, the school system's media collection, classroom collections and teacher-selected resources for individual classes.

1. Objectives for Selection of Supplementary Materials

   The procurement of materials must be accomplished in accordance with law, including the First Amendment of the United States Constitution; board educational goals; board purchasing and accounting policies; and established selection guidelines, including the Library Bill of Rights of the American Library Association. The objectives for the selection of supplementary materials are as follows:

a. to provide a wide range of materials that will enrich and support the curriculum, taking into consideration the individual needs and varied interests, abilities, socio-economic backgrounds, learning styles and developmental levels of the students served;

b. to provide materials that will stimulate growth in factual knowledge, literary appreciation, aesthetic values and ethical standards;

c. to provide a background of information that will enable students to comprehend their role as citizens in society and to make intelligent judgments in their daily lives;

d. to provide resources representing various points of view on controversial issues so that students as young citizens may develop, under guidance, the skills of critical thinking and critical analysis;

e. to provide resources representative of the many religious, ethnic and cultural groups in our nation and the contributions of these groups to our American heritage; and

f. to place principle above personal opinion and reason above prejudice in the selection of material of the highest quality in order to ensure a comprehensive collection appropriate for all users.

2. Process and Criteria for Selecting Supplementary Materials

The responsibility for the selection of supplementary materials is delegated to the professional staff under the direction of the superintendent and will be made primarily at the school level with the involvement of a school media and technology advisory committee. The committee shall be appointed by the principal and will include teachers and instructional support personnel representing various subject areas and grade levels, parents, and, if on-staff in the school, the library media coordinator and the technology facilitator. Students also should be involved when feasible.

The selection process used by the committee will include: (1) an evaluation of the existing collection; (2) an assessment of the available resource and curriculum needs of the school; and (3) consideration of individual teaching and learning styles. In coordinating the selection of resources, the committee should use reputable, unbiased selection tools prepared by professional educators and should arrange, when possible, for firsthand examination of resources to be purchased. When examining proposed materials, the committee should consider the following factors:

a. the material's overall purpose, educational significance and direct

relationship to instructional objectives and the curriculum and to the interests of the students;

b. the material's reliability, including the extent to which it is accurate, authentic, authoritative, up-to-date, unbiased, comprehensive and well-balanced;

c. the material's technical quality, including the extent to which technical components are relevant to content and consistent with state-of-the-art capabilities;

d. the material's artistic, literary and physical quality and format, including its durability, manageability, clarity, appropriateness, skillfulness, organization and attractiveness;

e. the possible uses of the material, including suitability for individual, small group, large group, introduction, in-depth study, remediation and/or enrichment;

f. the contribution the material will make to the collection's breadth and variety of viewpoints;

g. recommendations of school personnel and students from all relevant departments and grade levels;

h. the reputation and significance of the material's author, producer and publisher; and

i. the price of the material weighed against its value and/or the need for it.

3. Materials Brought in by Teachers

Principals shall establish rules concerning what materials may be brought in by teachers without review. Principals are encouraged to involve teachers in establishing these rules.

C. REMOVAL OF OUTDATED SUPPLEMENTARY MATERIALS

To ensure that the supplementary media collection remains relevant, the media and technology professionals, assisted by the media and technology advisory committee, shall review materials routinely to determine if any material is obsolete, outdated or irrelevant. The school media and technology advisory committee should remove materials no longer appropriate and replace lost, damaged and worn materials still of educational value. Materials may be removed only for legitimate educational reasons and subject to the limitations of the First Amendment. The superintendent may establish regulations that provide additional standards for removing supplementary materials to meet the educational

needs of the school system. Requests by parents to remove supplementary media materials due to an objection to the materials will be reviewed pursuant to policy 3210, Parental Inspection of and Objection to Instructional Materials.

D. ACCEPTANCE OF GIFT MATERIALS

Supplementary materials offered as a gift will be reviewed pursuant to the criteria outlined in this policy; policy 8220, Gifts and Bequests; and any regulations established by the superintendent. Gift material may be accepted or rejected by the board based upon such criteria.

E. CHALLENGES TO TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

Challenges to materials will be addressed pursuant to policy 3210, Parental Inspection of and Objection to Instructional Materials.

Legal References: U.S. Const. amend. I; N.C. Const. art. I, § 14; G.S. 115C art. 8 pt. 1; 115C-45, -47, -98, -101; *Board of Education v. Pico*, 457 U.S. 853 (1982); State Board of Education Policy TEXT-000; *Impact: Guidelines for North Carolina Media and Technology Programs*, North Carolina Department of Public Instruction (2005); *The Library Bill of Rights*, The American Library Association (1996)

Cross References: Goals and Objectives of the Educational Program (policy 3000), Parental Inspection of and Objection to Instructional Materials (policy 3210), School Improvement Plan (policy 3430), Gifts and Bequests (policy 8220)

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: March 2, 2010
Updated: January 14, 2013
Updated: June 3, 2013

TITLE I PROGRAM
COMPARABILITY OF SERVICES

Policy Code: **3565/8307**

To improve the academic achievement of educationally and economically disadvantaged children, the board will participate in the federal Title I program.

A. TITLE I MAINTENANCE OF EFFORT

The school system will maintain fiscal effort with state and local funds as required to be eligible for the receipt of funds through Title I, Part A of the Elementary and Secondary Education Act, as amended.

B. USE AND ALLOCATION OF TITLE I FUNDS

Title I funds will be used to supplement, and not to supplant, non-federal funds that would otherwise be used for the education of students participating in the Title I program. Accordingly, state and local funds will be allocated to each school receiving Title I funds in a manner that ensures that each such school receives all of the state and local funds it would otherwise receive in the absence of Title I funding.

C. COMPARABILITY OF SERVICES

State and local funds will be used in schools receiving Title I funds to provide services that, taken as a whole, are at least comparable to services in schools that are not receiving Title I funds, or, if all schools receive Title I funds, to provide services that are substantially comparable in each school. The board will ensure equivalence among schools in the allocation of state and local resources for (1) teachers, administrators, and other staff, and (2) curriculum materials and instructional supplies. In addition, the board will establish and implement system-wide salary scales that are applicable to all staff whether assigned to Title I or non-Title I schools.

D. COMPARABILITY TESTING

The superintendent shall direct the Title I ~~coordinator~~director, in conjunction with the finance officer, to conduct comparability testing before November 1 of each school year to assess the equivalent distribution of state and local resources among schools.~~,~~ The Title I director will determine annually whether to compare student enrollment to instructional staff or to instructional staff salary and also whether schools will be examined on a grade-span basis or on a school-by-school basis. The following will be excluded when determining comparability: (1) any resources paid with federal or private funds; (2) supplemental state or local funds expended for programs that meet the intent and purpose of Title I; (3) staff salary differentials for years of employment; (4) unpredictable changes in student enrollment or personnel assignments that occur after the beginning of a school year; (5) state and local funds expended for language instruction programs; and (6) excess costs of providing services to students with disabilities.

Comparability testing will be completed using the forms~~, measures, methodologies,~~ and following the ~~other~~ guidance created ~~as specified~~ by the North Carolina Department of Public Instruction (NCDPI) for the calculation of comparability. ~~Schools may be examined on either a grade-span or school-by-school basis.~~ The superintendent or designee shall submit the comparability testing report annually to NCDPI by the deadline established by that agency.

E. CORRECTION OF NONCOMPLIANCE

If comparability testing identifies any instances of variance greater than 10%, the Title I ~~coordinator~~ director shall notify the superintendent or designee without delay. The superintendent or designee shall promptly make adjustments as needed to ensure comparability. These adjustments may include, but need not be limited to, reallocation of materials or supplies, or reassignment of personnel.

F. DOCUMENTATION OF COMPLIANCE WITH TITLE I FISCAL REQUIREMENTS

The superintendent or designee shall provide in a timely manner ~~all~~ any assurances, additional documentation, or other information required by the State Board of Education/NCDPI to demonstrate the school system's compliance with Title I fiscal requirements.

G. RECORDS MAINTENANCE

The superintendent or designee shall maintain reports and other documentation demonstrating compliance with the requirements of this policy, including documentation to demonstrate that any needed adjustments to staff assignments were made annually, for review by the North Carolina Department of Public Instruction or auditors upon request.

The superintendent shall ensure that all other requirements for receiving Title I funds are fulfilled in an accurate and timely manner and shall develop, or cause to be developed, any additional procedures necessary to implement this policy.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200

Cross References:

Other Resources: *Non-Regulatory Guidance*, *Title I Fiscal Issues*, U.S. Department of Education (February 2008), available at http://www2.ed.gov/programs/titleiparta/fiscalguid.pdf

Adopted: January 17, 2017

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

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

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

3. is provocative or obscene; or

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

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

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

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

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

The board strives to create a safe, orderly, caring, and inviting school environment. Gangs and gang-related activities have proven contrary to that mission and are prohibited within the schools. A gang is any ongoing organization, association, or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of criminal acts and having a common name or common identifying sign, colors, or symbols. The violence and crime that accompany gangs pose a serious threat to the safety of students and employees of the school system. Even absent acts of violence or crime, the existence of gang-related activity within the schools creates an atmosphere of fear and hostility that obstructs student learning and achievement. Thus, the board condemns the existence of gangs and will not tolerate gang-related activity in the school system.

A. PROHIBITED BEHAVIOR

Gang-related activity is strictly prohibited within the schools. For the purposes of this policy, "gang-related activity" means: (1) any conduct that is prohibited by another board policy and is engaged in by a student on behalf of an identified gang or as a result of the student's gang membership; or (2) any conduct engaged in by a student to perpetuate, proliferate, or display the existence of any identified gang.

Conduct prohibited by this policy includes:

1. wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, emblems, badges, symbols, signs, or other items with the intent to convey membership or affiliation in a gang;

2. communicating either verbally or non-verbally (gestures, handshakes, slogans, drawings, etc.) with the intent to convey membership or affiliation in a gang;

3. tagging, or otherwise defacing school or personal property with symbols or slogans intended to convey membership or affiliation in a gang (see policy 4330, Theft, Trespass, and Damage to Property);

4. requiring payment of protection~~,~~ or insurance or otherwise intimidating or threatening any person related to gang activity (see policy 4331, Assaults, Threats, and Harassment);

5. inciting others to intimidate or to act with physical violence upon any other person related to gang activity (see policy 4331);

6. soliciting others for gang membership; and

7. committing any other illegal act or other violation of school system policies in connection with gang-related activity.

B. NOTICE

The superintendent or designee shall regularly consult with law enforcement officials to maintain current examples of gang-related activities, including but not limited to gang names and particularized examples of potential gang indicators including symbols, hand signals, graffiti, clothing, accessories, and behaviors. Each principal shall maintain a list of current examples of gang-related activities to assist students, parents, and teachers in identifying gang symbols and practices. The list shall be available in an easily accessible location in the main office of the school. Parents, students, and school employees may, upon request, access the list, which shall include a warning that wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy.

In addition, the Code of Student Conduct and all student handbooks (or such other similar materials distributed to parents and students in lieu of a student handbook) shall contain notice that (1) current information on gang-related activities is maintained in the main office at each school; (2) information on gang-related activities is subject to change and the principal should be consulted for updates; and (3) wearing or displaying clothing, hand signs, or symbols identified in the list with the intent to convey membership or affiliation in any gang may subject a student to discipline under this policy. The Code of Student Conduct and student handbook (or such other similar materials) also shall provide the addresses of websites that contain additional information identifying gang signs, symbols, clothing, and other gang indicators.

In providing this information for students and parents, the board acknowledges that not all potential gang indicators connote actual membership in a gang.

C. CONSEQUENCES

Before ~~being punished~~ receiving disciplinary consequences for a violation of subsection A.1 or A.2, above, a student shall receive an individualized warning as to what item or conduct is in violation of this policy and shall be permitted to immediately change or remove any prohibited items. A student may be ~~punished~~ disciplined only if he or she previously received notice that the specific item or conduct is prohibited.

Disciplinary consequences for violations of subsections A.1, A.2 and A.6, above, 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 these subsections.

Violations of subsections A.3, A.4, A.5 and A.7, above, are violations of both this policy and other board policies. Disciplinary consequences for such violations shall be consistent with Section D of policy 4300 and the specific range of consequences listed in the Code of Student Conduct for the other board policy violated. That the violation was gang-related shall be an aggravating factor when determining the appropriate consequences.

In a situation where a student has violated this policy or is otherwise suspected of gang affiliation through other circumstantial evidence, the principal shall conduct an intervention involving the principal and/or assistant principal, the student and the student's parent. Such intervention also may include the school resource officer and others as appropriate. The purpose of an intervention is to discuss school officials' observations and concerns and to offer the student and his or her parents information and an opportunity to ask questions or provide other information to the school officials.

This policy shall be applied in a non-discriminatory manner based on the objective characteristics of the student's conduct in light of the surrounding circumstances.

Legal References: G.S. 115C-390.2

Cross References: Student Behavior Policies (policy 4300), Student Dress Code (policy 4316), Theft, Trespass, and Damage to Property (policy 4330), Assaults, Threats, and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: September 12, 2011

Attendance in school and participation in class are an integral part of academic achievement and the teaching-learning process. Regular attendance develops patterns of behavior essential to professional and personal success in life. Regular attendance by every student is mandatory: the State of North Carolina requires that every child in the State between the ages of seven (or younger if enrolled) and 16 years attend school. Parents or legal guardians have the responsibility for ensuring that students attend and remain at school daily.

A. ATTENDANCE RECORDS

School officials will keep an accurate record of attendance, including accurate attendance records in each class. Attendance records will be used to enforce the Compulsory Attendance Law of North Carolina.

B. EXCUSED ABSENCES

When a student must miss school, a written excuse signed by a parent or guardian must be presented to the student's teacher on the day returning after an absence. If the student does not present a signed parental note within two days, the absence will be coded as unexcused and an excuse note will no longer be accepted. Absences due to extended illnesses may also require a statement from a physician. An absence may be excused for the following reasons:

1. personal illness or injury which makes the student physically unable to attend school;
2. isolation ordered by the State Board of Health;
3. death in the immediate family;
4. emergency medical or dental appointment or such an appointment which has been approved in advance by the principal;
5. participation under subpoena as a witness in a court proceeding;
6. a minimum of two days each academic year for observance of an event required or suggested by the religion of the student or the student's parent(s) with written prior approval from the principal; participation in a valid educational opportunity, such as travel, with prior approval from the principal;
7. absence due to pregnancy and related conditions or parenting, when medically necessary.
8. Principal discretion.
9. Visitation with the student's parent or legal guardian, at the discretion of the superintendent or designee, if the parent or legal guardian (a) is an

active duty member of the uniformed services as defined by policy 4050, Children of Military Families, and (b) has been called to duty for, is on leave from, or has immediately returned from deployment to a combat zone or combat support posting.

In the case of excused absences and out of school suspensions, the student will be permitted to make up his or her work. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

C. SCHOOL-RELATED ACTIVITIES

All classroom activities are important and difficult, if not impossible, to replace if missed. It is the intention of the board of education that classes missed be kept to an absolute minimum through close scrutiny and a monitoring system on the part of the principal. The following school-related activities will not be counted as absences from either class or school:

1. field trips sponsored by the school;
2. school-initiated and scheduled activities;
3. athletic events that require early dismissal from school; or in-school suspension.

Assignments missed for these reasons will be completed by students. The teacher will determine when work is to be made up. The student is responsible for finding out what assignments are due and completing them within the specified time period.

If no local funds are available, the classroom teacher will assume the responsibility for obtaining the money for gas through parent donations

D. EXCESSIVE ABSENCES

Class attendance and participation are critical elements of the educational process and may be taken into account in assessing academic achievement.

The principal will notify parents and take all other steps required by G.S. 115C378 for excessive absences.

In addition, for students experiencing homelessness (see board policy 4125, Homeless Students), school officials must consider issues related to the student's homelessness,

such as a change of caregivers or nighttime residence, before taking disciplinary action or imposing other barriers to school attendance based on excessive absences or tardies.

Excessive absences may impact eligibility for participation in interscholastic athletics. See policy 3620, Extracurricular Activities and Student Organizations.

High School Attendance Policy

High school students can have no more than eight total (excused and unexcused) absences in a class per semester. Absence in excess of this amount will result in the student not receiving credit for the class. Each high school will have a standing Attendance Committee that meets bi-weekly to review attendance data, contact students and parents, and intervene as necessary to ensure success for all students. Violations of the North Carolina Compulsory Attendance Law will be reported as required by NC General Statutes.

High school students must make up time on an hour-for-hour basis. Make-up times will be arranged at the discretion of the principal, based upon the individual needs and resources of the school.

For the purposes of this policy, Montgomery County Schools recognizes that tardiness to and early departures from school and individual classes are a major disruption to school operations and distract from the learning environment of the student who is tardy as well as that of other students. High school students who are tardy or leave early from an individual class period five times (5) will be counted as absent for one (1) class period for that class. If total absences, including tardy/early departure absences exceed 8 for the class, the time must be made up on an hour-for-hour basis in order for the student to receive credit for the class. Persistent tardiness will be reviewed by the Attendance Committee and reported to parents/guardians.

At 3, 6 and 10 absences letters are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team.

A doctor's note may be required if the student is absent three days in a row.

High school students may request a waiver of the attendance requirement due to extraordinary, extenuating circumstances. Waiver request forms must be submitted five (5) days prior to the end of the semester. This timeframe may be adjusted at the

discretion of the principal. The Attendance Committee will review the request for waiver and decide to grant or deny the request. If the request is denied, the student shall be allowed the opportunity to make up the missed time and work at the discretion of the principal.

Middle School Attendance Policy

Middle School students may not miss more than fifteen (15) days in a given school year. Any student who misses more that fifteen (15) days will be referred to the principal for possible retention. The principal/designee will notify the parent of the school's concern and remind the parent of the district's attendance policy, promotion standards/requirements, and the NC Compulsory Attendance Law requirements.

Students may make up time for any absence over fifteen (15) days at the discretion of the principal, based upon the needs and resources at the school.

If students do not make up required time under this policy, they may be retained in the current grade at the discretion of the principal. Parents/Guardians who feel that extraordinary, extenuating circumstances warranted the excessive absences can file a waiver request with the Attendance Committee at the school. The waiver request should be received at least five (5) days before the end of the final grading period. The Attendance Committee will grant or deny the waiver. If the request is denied, the student shall be allowed the opportunity to make up missed time and work at the discretion of the principal.

For the purposes of this policy, seven (7) tardies or early dismissals will equal one (1) class absence.

At 3, 6, and 10 absences letters are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team:

A doctor's note may be required if the student is absent three days in a row. Teachers must daily complete attendance reports for NCWISE.

Elementary School Attendance Policy

Recognizing that regular school attendance is the foundation for learning and that NC Compulsory Attendance Law requires students to be in attendance, students in the

Montgomery County Schools are required to have regular attendance in order to be promoted to the next grade. An elementary student who is absent more than fifteen (15) days will be referred to the principal for possible retention. Upon the 5th absence (excused or unexcused) the principal or designee will notify the parent/guardian of the school's concern and remind the parent of the district's attendance policy, promotion standards/requirements, and the NC Compulsory Attendance Law requirements.

If the principal determines that retention is necessary based upon attendance, the parent/guardian will be notified of this fact in writing. The parent/guardian may appeal the decision of the principal to retain the student to the Superintendent. Requests for appeal must be received by the Superintendent within five (5) days of receiving final notice of retention from the principal.

For purposes of this policy, ten (10) tardies or early dismissals will equal one day's absence.

At 3, 6 and 10 absences letter are sent to parents as required by NC General Statutes. Any student with excessive absences will also be required to meet with the Student Assistance Team.

A doctor's note may be required if the student is absent three days in a row.

E. TARDINESS AND EARLY DISMISSALS

Superintendent shall work with principals to develop procedures for enforcing this policy. The principal shall work with school staff to develop procedures for accurate accounting of tardies and early dismissals. Schools are encouraged to develop check out schedules whereby a child can only be checked out of school with a doctor's note.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq;* G.S. 115C-47, -84.2, -288(a), -375.5, -378 to -383, -390.2(d), -390.2(l), -390.5, -407.5; 130A-440; 16 N.C.A.C. 6E .0102, .0103; State Board of Education Policies ATND-000, -003, NCAC-6E.0104

Cross References: Extracurricular Activities and Student Organizations (policy 3620), Education for Pregnant and Parenting Students (policy 4023), Children of Military Families (policy 4050), Immunization and Health Requirements for School Admission (policy 4110), Homeless Students (policy 4125), Short-Term Suspension (policy 4351)

Adopted: April 10, 2000

Amended: June 3, 2002
Amended: April 2, 2007
Updated: September 15, 2010
Updated: January 20, 2011
Updated: May 2, 2011
Updated: September 13, 2011
Updated: June 3, 2013

A. PRINCIPLES

The board encourages the development and participation of parent organizations that support the goals of the board and the school system. The board recognizes that parent organizations are an effective means of involving parents in their children's schools. The superintendent and school administrators shall inform parent organizations of specific goals for each school and shall help these parent organizations identify opportunities to assist the school in achieving those goals.

Participation in parent organizations is always voluntary. No student or parent will be required to participate in a parent organization as a condition of participation in a curricular or extracurricular school activity or program.

B. CONDITIONS FOR ESTABLISHING PARENT ORGANIZATIONS

Parent organizations, including PTAs, PTOs, and booster clubs, are not considered a part of the school system and may not represent themselves to students, parents, or others as official representatives of a school or the school system. However, because these organizations and their activities reflect upon the school system, all parent organizations must comply with the following conditions in order to operate in conjunction with the schools.

1. All parent organizations must provide the superintendent with a document describing the purpose of the organization and the general rules and procedures by which it will operate. Any later modifications to the organization's purpose or general rules and procedures also must be provided in writing to the superintendent.

2. Parent organizations must obtain prior approval from the principal for (a) any fund-raising event; (b) any purchase for the school; (c) any function involving the participation of students; or (d) any event that is likely to reflect upon the school or the school system.

3. Fliers and other literature displayed or distributed by parent organizations must comply with policy 5210, Distribution and Display of Non-School Material.

4. Parent organizations are responsible for maintaining their own financial records in accordance with the requirements of Section C. Employees of the school system are not permitted to manage the affairs of parent organizations during the workday.

5. Parent organizations are expected to consider the cultural diversity and economic differences of students and parents in planning school-related functions.

The superintendent shall grant or deny parent organizations approval to operate at each school. Parent organizations that do not comply with board policies may have approval to operate within the school revoked by the superintendent. The superintendent shall provide a list of the approved parent organizations to the board annually.

C. FUNDS MANAGEMENT

Parent organization funds may be used only for purposes consistent with the goals, rules, and procedures of the organization. Adequate financial records, including sales slips, receipts, invoices, and any other documentation of expenditures, must be maintained and be accessible to parents and school officials on request.

Parent organization funds may be deposited only in an account maintained by the organization. All checks must be signed by the organization treasurer and either the organization president or vice-president. The organization president should periodically review the organization bank records, which must be reconciled by the organization treasurer at least monthly.

All financial documents and accounts of the parent organization must be in the name of the parent organization and not in the name of the school, the school system, or a specific school team or program. Bank accounts should reflect the official name of the parent organization and carry the parent organization's tax identification number. The school system's tax identification number may not be used on a parent organization's bank account or financial documents. The school system does not have any financial responsibility for the payment of obligations incurred by a parent organization.

~~C.~~D. DONATIONS TO ~~A SCHOOL OR~~ THE SCHOOL SYSTEM

Any ~~item that a parent organization proposes to contribute to a school must meet all legal requirements, including safety codes. Before accepting a~~ donation ~~of equipment, supplies or funds~~to the school system from a parent organization~~, the principal must notify the superintendent and ensure that the donation complies with the~~ must be made in accordance with the process and requirements of policy 8220, Gifts and Bequests. ~~All donated items become the property of the school system. While the intent of the donor will be considered, the school system reserves the right to modify the use of the donation if the needs of students or the school system change.~~

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

Cross References: Parental Involvement (policy 1310/4002), Distribution and Display of Non-School Material (policy 5210), Gifts and Bequests (policy 8220)

Adopted: June 7, 2004
Updated: June 1, 2009

PUBLIC RECORDS – RETENTION, RELEASE, AND DISPOSITION

Policy Code: **5070/7350**

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

A. PUBLIC RECORD DEFINED

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

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

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

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

1. Name.

2. Age.

3. The date of original employment or appointment.

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

5. Current position.

6. Title.

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

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

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

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

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

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

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

B. DESIGNATION OF RECORDS OFFICER

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

1. Duties of the Records Officer

   The duties of the records officer include the following:

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

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

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

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

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

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

2. Other Duties

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

a. ~~reviewing all electronic data processing systems being considered for lease or purchase to ensure that they~~ will not impede the school system's ability to permit public inspection and examination of public records; and

b. ~~ensuring that databases are indexed as required by law; and~~provides a means of obtaining copies of such records.

~~c. conducting an inventory of electronic databases maintained by the school system on a regular basis.~~

~~C. INDEXING OF COMPUTER DATABASES~~

~~All computer databases compiled or created after June 30, 1998 must be indexed as required by law. The form and content of the indexes must conform to the guidelines issued by the North Carolina Division of Archives and History.~~

~~Any computer database that is being considered for purchase or lease by the school system and that will be subject to the indexing requirements should include the statutorily required index provided by the vendor at no additional cost to the school system.~~

~~In addition, the school system will voluntarily index databases created or compiled prior to July 1, 1998, so long as the process is not unreasonably burdensome or costly. Any voluntary indexing does not have to meet statutory requirements or the guidelines issued by the North Carolina Division of Archives and History.~~

~~D.~~C. REQUESTS FOR PUBLIC RECORDS

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

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

~~E.~~D. FEES FOR COPIES OF PUBLIC RECORDS

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

~~F.~~E. ELECTRONIC MAIL LISTS

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

~~G.~~F. DESTRUCTION OF PUBLIC RECORDS

School personnel shall comply with the *Records Retention and Disposition Schedule for Local Education Agencies* adopted by the N.C. Department of Natural and Cultural Resources, Division of Archives and History, unless otherwise required by statute, regulation, or other legal authority. The superintendent may establish regulations for the destruction of records in accordance with the approved schedule.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-113.8(6); 115C-47(40), -105.27(a2), -105.53, -105.54, -109.3, -174.13, -319 to -321, -402; 132-1 to -9; ~~*Public Database Indexing Guidelines*, N.C. Department of Natural and Cultural Resources (2014), available at http://archives.ncdcr.gov/For-Government/Digital-Records/Digital-Records-Policies-and-Guidelines#digpres;~~ *Records Retention and Disposition Schedule for Local*

Education Agencies, N.C. Department of Natural and Cultural Resources (1999), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules#localschedules~~http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules; N.C. Attorney General Advisory Opinion, letter to Elizabeth Buford, February 26, 1996, available at http://www.ncdoj.gov/About-DOJ/Legal-Services/Legal-Opinions/Opinions/Public-Records;-Computer-Database-Index.aspx~~

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

Adopted: January 11, 2016

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 ~~No child will be~~ discriminate~~d against because of~~ 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.

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, available at 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)

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

The board is the sole entity authorized to execute formal contracts between the school system and any firm or person offering to provide materials, equipment, or services to the school system. Creditors are on notice that the board may choose not to honor contracts entered into by school or school system officials without authority to enter into contracts.

A. AUTHORIZATION TO ENTER INTO CONTRACTS

No contract requiring the expenditure of funds may be entered into unless the budget resolution adopted pursuant to policy 8110, Budget Resolution, authorizes the expense and there is a sufficient unencumbered balance to pay the amount to be disbursed. (See policy 6421, Pre-~~A~~audit and Disbursement Certifications.) 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.

Any contract involving expenditures in excess of $5,000.00 must be reviewed by the board attorney and approved in advance by the board unless provided otherwise in board policy. (Approval requirements for construction and repair contracts are established in policy 9120, Bidding for Construction Work.) Unless otherwise prohibited by statute or regulation, the superintendent or designee is authorized to enter into contracts or approve amendments to contracts for materials, equipment, supplies, or services involving amounts up to $5,000.00. However, change orders for construction and repair contracts are subject to the requirements of policy 9030, Facility Construction, not this provision.

To provide greater flexibility at the school level, the superintendent also may establish circumstances in which principals may enter contracts involving amounts up to $5,000.00. The superintendent, with appropriate involvement of the finance officer, shall establish any procedures necessary to ensure fiscal accountability and reporting by principals who enter into contracts.

At least monthly, the superintendent shall report to the board all contracts and contract amendments approved by the superintendent under this policy that exceed $5,000.00.

B. CONTRACT FORMS

The board attorney shall review any contract forms developed for use by a school or the school system.

C. LEASE PURCHASE CONTRACTS

The finance officer must approve any request to enter lease purchase contracts as authorized by G.S. 115C-528, regardless of the dollar amount. After considering the principal and amount of interest, the superintendent must determine that the lease purchase is a fiscally prudent choice that is consistent with board policy.

The finance officer shall provide the board with periodic reports on lease purchase contracts, including the amount of the principal, interest paid, and the amount of the outstanding obligation.

D. OTHER APPLICABLE POLICIES AND LAWS

Purchases may be made through the State Division of Purchase and Contract in accordance with the Division's rules and regulations, as authorized by G.S. 115C-522.

All contracts involving construction or repair work or purchase of apparatus, supplies, materials, or equipment must be undertaken in compliance with Chapter 143 of the North Carolina General Statutes, except as provided elsewhere by state law. Contracts must also comply with applicable board policies, including, but not limited to, policies 6430, Purchasing Requirements for Equipment, Materials, and Supplies; 6450, Purchase of Services; 9030, Facility Construction; 9110, Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk; and 9120, Bidding for Construction Work.

All contracts subject to the E-Verify requirement will contain a provision stating that the contractor and the contractor's subcontractors must comply with the requirements of Article 2 of Chapter 64 of the General Statutes.

Legal References: G.S. 64 art. 2; 115C-36, -47, -264, -440, -441, -522, -528; 143-49 and art. 8; 147 art. 6E, art. 6G

Cross References: Pre-Aaudit and Disbursement Certifications (policy 6421), Purchasing Requirements for Equipment, Materials, and Supplies (policy 6430), Purchase of Services (policy 6450), Budget Resolution (policy 8110), Facility Construction (policy 9030), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110), Bidding for Construction Work (policy 9120)

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

PRE-AUDIT AND DISBURSEMENT CERTIFICATIONS

Policy Code: **6421**

Except as otherwise provided by law, no obligation may be incurred by the school system unless the budget resolution includes an appropriation authorizing the obligation and an unencumbered balance remains in the appropriation sufficient to pay in the current fiscal year the sums obligated by the transaction for the current fiscal year.

An obligation incurred in violation of the requirements of state law as specified in this policy is invalid and may not be enforced. The finance officer shall establish procedures in accordance with any rules adopted by the Local Government Commission to assure compliance with statutory requirements and this policy.

A. PREAUDIT CERTIFICATION

If an obligation is reduced to a written contract or written agreement requiring the payment of money, or is evidenced by a purchase order for supplies and materials, the written contract, agreement, or purchase order will include on its face a certificate stating that the instrument has been preaudited to assure compliance with state law. The finance officer shall sign the certificate, which will take substantially the following form:

> This instrument has been preaudited in the manner required by the School Budget and Fiscal Control Act.
>
> _____
> (*date*)
>
> _____
> (*signature of finance officer*)

B. DISBURSEMENT CERTIFICATION

The board authorizes bills, invoices, salaries, and other claims to be paid by check or draft on an official depository; bank wire transfer from an official depository; electronic payment or an electronic funds transfer originated by the school system through an official depository; or warrant on the State Treasurer. Any check or draft on an official depository will bear on its face a certificate signed by the finance officer (or signed by a designated board member if the board approves a claim that was disapproved by the finance officer). The certificate will take substantially the following form:

> This disbursement has been approved as required by the School Budget and Fiscal Control Act.
>
> _____
> (*signature of finance officer*)

C. EXCEPTIONS TO THE CERTIFICATION REQUIREMENTS

No pre-audit or disbursement certificate is required for (1) an obligation, or a document related to the obligation, that has been approved by the Local Government Commission; (2) payroll expenditures, including employee benefits; or (3) electronic payments~~, upon adoption of and~~ made in compliance with rules adopted by the Local Government Commission.

~~An obligation incurred in violation of the requirements of state law as specified in this policy is invalid and may not be enforced. The finance officer shall establish procedures in accordance with any rules adopted by the Local Government Commission to assure compliance with statutory requirements and this policy.~~

Legal References: G.S. 115C-441; 20 N.C.A.C. 03.0409, 20 N.C.A.C. 03.0410

Cross References: Contracts with the Board (policy 6420), Budget Resolution (policy 8110), School Finance Officer (policy 8510)

Adopted: January 11, 2016

A. GENERAL PRINCIPLES

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

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

B. RECRUITMENT

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

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

C. CRIMINAL HISTORY

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

A criminal history check and a check of sex offender registries must be conducted on all final candidates for employment with the school system. Criminal history checks must be

conducted in accordance with state law and any procedures established by the superintendent. School officials shall not require candidates to disclose expunged arrests, charges, or convictions and shall not ask candidates to voluntarily disclose such information without first advising that disclosure is not required. The superintendent or designee shall report to the State Board of Education any licensed individual who is found to have a criminal history, as required by State Board policy.

A final candidate for employment or for hiring as an independent contractor will be excluded from hiring on the basis of criminal conduct only when doing so is job-related and consistent with business necessity. If a final candidate is found to have been convicted of a criminal offense, other than a minor traffic violation, the superintendent shall determine whether the individual is qualified for employment despite the criminal history by considering, among other things, whether the individual poses a threat to the safety of students or personnel or has demonstrated that he or she does not have the integrity or honesty to fulfill the duties of the position. The following factors will be considered in making this determination: (1) the nature and gravity of the offense or conduct; (2) the time that has passed since the offense or conduct and/or completion of the sentence; and (3) the nature of the job sought. Before the superintendent may exclude a final candidate based on his or her past criminal convictions, the superintendent must give the candidate the opportunity to demonstrate that the exclusion does not properly apply to him or her.

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

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

D. SELECTION

1. Qualifications

   Candidates for employment must be selected based upon their likely ability to fulfill duties identified in the job description as well as performance standards established by the board. In making the determination, the following information must be considered:

   a. application;

   b. education and training;

   c. licensure and certification (when applicable);

d. relevant experience;

e. personal interviews; and

f. references and/or background checks.

When several applicants for the same position are equally qualified and suitable for the position, employees within the school system will be given priority.

2. Nepotism

a. For purposes of this subsection, the following definitions apply.

i. "Immediate family" means spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

ii. "Central office staff administrator" includes directors, supervisors, specialists, staff officers, assistant superintendents, area superintendents, superintendents, and principals.

b. Before any immediate family of any board of education member or central office staff administrator is employed by the board or engaged in any capacity as an employee, independent contractor, or otherwise, (1) the board member or central office staff administrator must disclose the familial relationship to the board and (2) the prospective employment or engagement must be approved by the board in a duly called open session meeting.

i. An employee who knowingly fails to disclose a familial relationship to the board as required will be subject to disciplinary action up to and including dismissal.

ii. Notification by the employee to the assistant superintendent of human resources will be deemed disclosure to the board. The assistant superintendent of human resources is responsible for conveying the disclosure to the board before the board takes action on the prospective employment or engagement.

c. When making recommendations for the selection and assignment of personnel, the superintendent shall attempt to avoid situations in which one employee occupies a position in which he or she has influence over the employment status, including hiring, salary, and promotion, of another employee who is a member of the first employee's immediate family.

d. No administrative or supervisory personnel may directly supervise a member of his or her immediate family.

3. Employment Procedures

All applicants selected for employment must be recommended by the superintendent and approved by the board. In situations in which the employee must be hired between board meetings, the superintendent is authorized to approve hiring such personnel, contingent upon approval by the board at its next scheduled board meeting.

State guidelines must be followed in selection and employment procedures. The superintendent shall develop any other procedures necessary to implement this policy.

The superintendent shall develop procedures for verifying new employees' legal status or authorization to work in the United States as required by law.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*; Americans with Disabilities Act of 1990, 42 U.S.C. 12101 *et seq.*; Equal Educational Opportunities Act of 1974, 20 U.S.C. 1703; Equal Pay Act of 1963, 29 U.S.C. 206; Fair Credit Reporting Act, 15 U.S.C. 1681 *et seq.*; Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.*; Military Selective Service Act, 50 U.S.C. Appx. 453; Rehabilitation Act of 1973, 29 U.S.C. 794; Title VII of the Civil Rights Acts of 1964, 42 U.S.C. 2000e *et seq.*; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*; Uniformed Services Employment and Reemployment Rights Act of 1994, 38 U.S.C. 4301 *et seq.*; 8 U.S.C. 1101 *et seq.*; *Green v. Missouri Pacific Railroad* (8th Cir. 1975); *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, U.S. Equal Employment Opportunity Commission (April 25, 2012), available at http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm; G.S. 14-208.18; 15A-153; 115C-12.2, -36, -47, -276(j), -332; 126-7.1(i), -16; 127A-202.1 *et seq.*; 127B-10, -12, -14; 143B-421.1, -931; *Leandro v. State*, 346 N.C. 336 (1997); 16 N.C.A.C. 6C .0313; State Board of Education Policies BENF-009 and NCAC-6C.0313

Cross References: Board Authority and Duties (policy 1010), Registered Sex Offenders (policy 5022)

Adopted:

DRUG-FREE AND ALCOHOL-FREE WORKPLACE

Policy Code: **7240**

The board of education recognizes that reducing drug and alcohol abuse in the workplace improves the safety, health and productivity of employees. It is the policy of the board that a drug-free and alcohol-free workplace must be maintained.

A. PROHIBITED ACTIVITIES

The board prohibits the unlawful manufacture, sale, distribution, dispensing, possession, or use of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroids, alcohol, stimulants, synthetic cannabinoids, counterfeit substances or any other controlled substance as defined in (1) Schedules I through VI of the North Carolina Controlled Substances Act or in (2) Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812) and further defined by regulation at 21 C.F.R. 1300.01 through 1300.04 and 21 C.F.R. 1308.11 through 1308.15 . Employees must not be impaired by the excessive use of prescription or nonprescription drugs. This policy is not violated by an individual's proper use of a drug lawfully prescribed for that individual by a licensed health-care provider.

Employees are prohibited from using or being under the influence of alcohol while acting in the course and scope of employment duties, while at school sponsored activities or while on school property. This policy does not apply to an employee's consumption of alcoholic beverages that are served at a reception or other similar function that occurs outside the regular workday and that the employee is authorized or required to attend as a part of his or her employment duties.

The school system reserves the right to test employees whose duty it is to drive a vehicle, repair vehicles or equipment, provides armed security and other persons in similar safety positions any time prior to or during employment. The system reserves the right to test any employee upon reasonable suspicion of drug or alcohol use.

Employees specified above who refuse to submit to any diagnostic test to detect alcohol and/or drug use or refuses to submit to search procedures after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment

B. APPLICABILITY

This policy governs each employee before, during or after school hours while the employee is on any property owned or leased by the board; at any time during which the employee is acting in the course and scope of his or her employment with the board; and at any time that the employee's violation of this policy has a direct and adverse effect upon his or her job performance.

Independent contractors, volunteers, and visitors are subject to all requirements of this policy while on school property or at a school-sponsored event.

C. REASONABLE SUSPICION TO SEARCH

An employee may be subjected to a search of his or her person or belongings or of school property under the employee's control if there is reasonable suspicion that the employee has violated this policy. An employee also may be required to submit to a drug or alcohol test when there is reasonable suspicion of drug or alcohol use by the employee in violation of this policy. Reasonable suspicion shall be based on specific, contemporaneous observations concerning the physical, behavioral, speech, and/or performance indicators of drug or alcohol use. The observations must be made by a supervisor or other school system official with training or experience in such indicators.

All drug and alcohol testing will be done with procedures that ensure the confidentiality and privacy interests of the employee and in accordance with law. Employees who refuse to submit to a search or a test to detect alcohol or drug use after reasonable suspicion is established may be suspended immediately pending consideration of a decision to terminate employment.

In addition, any employee, volunteer, or independent contractor who operates a commercial motor vehicle or performs other safety-sensitive functions in the course of duties for the board may be subject to drug and alcohol testing in accordance with policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators.

The board will cover the cost of any required employee testing.

D. DUTY TO REPORT

In accordance with policy 7300, Staff Responsibilities an employee must notify his or her supervisor and the assistant superintendent of human resources in writing of any charge or conviction under any criminal drug statute for a violation occurring within the scope of paragraph two of this policy. Notification must be given not later than the next scheduled business day after such charge or conviction and before reporting to work ~~in accordance with policy 7300, Staff Responsibilities~~. Within 10 days of receiving a notice of conviction by an employee whose position is funded in any part by a federal grant, the assistant superintendent of human resources or designee shall notify the funding agency of the conviction. "Conviction" as used in this policy includes the entry in a court of law or military tribunal of: (1) a plea of guilty, *nolo contendere*, no contest or the equivalent; (2) a verdict or finding of guilty; or (3) a prayer for judgment continued ("PJC") or a deferred prosecution.

E. CONSEQUENCES

Violation of this policy will subject an individual to disciplinary action by the board that could result in non-renewal or termination of employment with the school district or the requirement that the employee participate satisfactorily in a drug or alcohol abuse assistance or rehabilitation program approved by the board or federal, state or local health, law enforcement or other appropriate agency. Information concerning available counseling, rehabilitation and re-entry programs will be provided to employees. Any illegal drug activity will be reported to law enforcement authorities. All employees receive a copy of this policy.

Legal References: 21 U.S.C. 812; 41 U.S.C. 8101 *et seq.;* 21 C.F.R. 1300.01 04 and 1308.11.15; G.S. 20-138.2B; 90-89 to -94; 115C-36; *O'Connor v. Ortega,* 480 U.S. 709 (1987)

Cross References: Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Staff Responsibilities (policy 7300)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: August 3, 2009
Updated: March 5, 2010
Updated: December 5, 2011
Updated: December 9, 2013
Updated: December 4, 2017

The board recognizes the importance of establishing a clear contractual relationship with teachers employed by the school system. All teacher employment contracts entered into by the board will meet the requirements of state law and State Board of Education policy. Nothing in this policy is intended to grant or confer any employment rights beyond those existing in law.

For the purposes of this policy, the term "teacher" is defined as a person who meets the requirements of G.S. 115C-325.1(6). An individual who is employed under a part-time teacher contract (less than 100%) or employed under a temporary teacher contract does not meet this definition of teacher; however, the board's performance expectations established in this policy apply to such individuals.

A. TEACHER PERFORMANCE EXPECTATIONS

Teachers are responsible for facilitating student learning in a safe and orderly environment in which students become college and career ready. Teachers must be familiar with the current statewide instructional standards for their teaching assignment and able to teach the curriculum effectively. The board expects teachers to meet all performance standards established by the board, the superintendent or designee, state law, and State Board of Education policy~~,~~ and to pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Employment contracts for teaching will be granted or renewed only for individuals of proven ability who strive for excellence.

B. SUPERINTENDENT'S RECOMMENDATION

The board will employ teachers upon the recommendation of the superintendent. The superintendent is expected to be able to substantiate with supporting information any recommendation for a new or renewed contract for an applicant or current teacher. The superintendent's recommendation for a new or renewed contract must include the length of the term of the contract, which must be consistent with state law and board requirements as described in Section C, below. The board will follow a recommendation of the superintendent regarding the length of the contract that is consistent with law and this policy unless specific circumstances justify offering the teacher a contract of a different term. In considering the superintendent's recommendation, the board may review any information that was in the teacher's personnel file at the time of the superintendent's recommendation or was added to the teacher's file, with the proper notice to the teacher, prior to the board's decision.

C. DETERMINATION OF CONTRACT LENGTH

This section applies when the superintendent has decided to recommend that the board offer a teacher a new or renewed contract. For information regarding a decision by the superintendent not to recommend that the board offer a teacher a renewed contract, see policy 7950, Non-Career Status Teachers: Nonrenewal.

A teacher that is within their first three years of employment by Montgomery County Schools will receive a one-year contract based on principal recommendation.

A teacher who has worked previously for Montgomery County Schools for three or more years and has returned to our school system, must be successfully employed on a one-year contract with Montgomery County Schools before they can qualify for a two or four year contract. This contract will be based on principal recommendation.

1. To be recommended for an additional one year contract after three years, a teacher must:

    a. have received a rating of at least "proficient" in four of five categories of last summative evaluation;

    b. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current school year;

    c. not have other relevant performance information or letters of reprimand in his or her personnel file that would support a decision to disqualify the teacher for another contract.

2. To be recommended for a two-year contract, a teacher must:

    a. have received a rating of at least "proficient" in all five categories and "accomplished" in standard four of last summative evaluation;

    b. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;

    c. not have received a reprimand, demotion, suspension without pay, or other disciplinary consequence during the current or previous school year;

    d. not have other relevant performance information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract; and

3. To be recommended for a four-year contract, a teacher must:

a. meet the criteria for a two-year contract; and

b. have received a rating of at least "accomplished" or higher on three of the five standards (two of these must be standards one and four) on the evaluation instrument in the most recent summative evaluation;

c. not be on a growth, improvement, or corrective action plan currently and not have been on any such plan at any time during the current or previous school year;

d. not have received a reprimand, demotion, suspension without pay, or other disciplinary consequence during the current or previous school year;

e. not have other relevant performance information in his or her personnel file that would support a decision to disqualify the teacher from a multi-year contract; and

4. The Board recognizes that multi-year contracts are necessary to attract and retain only the very best teachers. Pursuant to this goal, only the finest educators are eligible for multi-year contracts. The Superintendent and a committee, consisting of the executive leadership team, will convene to personally review every principal recommendation for a multi-year contract, prior to presentation to the Board for ultimate approval.

D. DISMISSAL AND NONRENEWAL

Any teacher that only receives three "proficient" ratings in their last summative evaluation, after being employed for three years, will be non-renewed. This policy is not intended to limit the superintendent's discretion to recommend dismissal, demotion, 89890a shorter contract length, or nonrenewal of any teacher for any basis allowed by law including but not limited to reduction in force due to school system reorganization, decreased enrollment, reduced funding, or other budgetary issues as described in board policy 7920, Reduction in Force" Teachers and School Administrators.

Any employee who does not meet the performance or other standards of the board, the standards of state law or the State Board of Education, or the terms of the employment contract may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, or to nonrenewal, as provided in policy 7950, Non-Career Status Teachers: Nonrenewal.

Legal References: G.S. 115C-36, -47(18), -325.1, -325.3 through -325.13; S.L. 2013-360; State Board of Education Policy BENF-009

Cross References: Professional and Staff Development (policy 1610/7800), Hearings Before the Board (policy 2500), Recruitment and Selection of Personnel (policy 7100), Evaluation of

Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

Issued: March 28, 2014

Revised: April 28, 2017
Updated: October 6, 2017
Updated: February 5, 2018

The board encourages individuals and organizations to consider making a donation of real property, personal property, or funds ~~gift or bequest~~ to the school system. Donations, whether in the form of a gift or a bequest, ~~Such gifts~~ foster community support for the schools and improve the school system for the benefit of students and others. As an expression of the board's gratitude, the superintendent shall provide for the appropriate recognition of donors.

A. SUITABILITY OF DONATIONS

The superintendent shall evaluate any donation offer~~s~~ in order to determinate whether the donation is suitable for the school or the school system~~of gifts or bequests that are not revenues or gifts of nominal value~~. Donations may not conflict with the school system's educational mission. In determining the suitability of a donation intended to benefit any program that is appropriately segregated by gender, such as a school athletic program, the superintendent must consider equity and Title IX issues in relation to overall funding and opportunities for participation.

Donations of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property. The superintendent also must consider ~~the gift's suitability,~~ any safety hazards associated with gifts of real or personal property.~~,~~ Donations must not impose any undue financial burden or obligation on the school system. Any donation that includes advertisements must be consistent with policy 5240, Advertising in the Schools, and the food and beverage marketing requirements of policy 6140, Student Wellness.~~and the cost of maintaining the gift and then make a recommendation to the board.~~

For computer equipment or other technological resources, the superintendent shall ensure that such items are compatible with minimum hardware and software standards set by the technology director. Any donation from an E-rate service provider must comply with gift rules applicable to federal agencies.

~~The board will decide whether to accept the gift on behalf of the school system.~~

~~Upon receiving notification of a donor's intent to offer a gift to a school, a principal shall give written notification to the superintendent that states the nature of the gift and the purpose for which it is donated. The superintendent shall ensure that any offered gift imposes no undue financial burden or obligation on the school system.~~

~~The board establishes the following conditions for the acceptance of gifts. Other conditions may be set as the board deems appropriate.~~

B. ACCEPTING DONATIONS

Upon receiving an offer of a donation to the school, a principal must give the superintendent

written notification that states the nature of the donation and the purpose for which it is donated. The principal does not have the authority to accept donations to the school.

~~1.~~ The superintendent may accept ~~gifts~~ donations up to $1,000.00 on behalf of the board. The superintendent shall report any accepted ~~gifts~~donations of more than a nominal value at the next board meeting. The board reserves the right to determine in each particular case the appropriateness of ~~any contribution~~ a donation and may accept or reject a ~~contribution~~ donation as the board sees fit.

The superintendent shall make a recommendation to the board on the suitability of any donation with a value that exceeds $1,000.00. After considering the superintendent's recommendation, the board will decide whether to accept the donation.

~~2. Gifts of real or personal property will be accepted only if the donor can demonstrate that he or she has clear and free title to the property.~~

C. USE OF A DONATION

Unless otherwise specified in a written agreement approved by the board, any accepted donation becomes the permanent property of the school system. Anything purchased with donated funds, including funds raised through a crowdfunding campaign, project, or platform, become the property of the school system, and the title to such property vests in the board. If the board at any time determines that property donated, or acquired with donated funds, is unnecessary or undesirable for public school purposes, the board may dispose of such property in accordance with state law.

~~3. The~~ A donor may request that a ~~gift or bequest~~donation be designated for ~~use in~~ a particular purpose~~area~~. However, the board reserves the right to utilize the ~~funds~~ donation as it deem~~sed~~ appropriate.

~~4.~~ Any donation constituting revenues will be deposited in the proper account. The specific manner in which donated funds are expended for a designated purpose~~within a designated area~~ will be determined under the direction of the superintendent.

~~5. A gift must not impose any undue financial burden or obligation on the school system.6. All supplies and equipment purchased with funds from any donor become the property of the board, and the title to such property vests in the board.7. Any gift or donation that includes advertisement must be consistent with policy 5240, Advertising in the Schools.8. The board may reject any gift or donation that the board determines is in conflict with the educational mission of the school system.9. Any gift or donation from an E-rate service provider must comply with gift rules applicable to federal agencies.10.~~ Before installation of major donations that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights, or fences, the superintendent or designee must approve the design, location, and construction material. ~~of~~

~~major gifts that will become a permanent part of the school facility or grounds, such as playground equipment, bleachers, scoreboards, outdoor lights or fences, etc. Any such gift also must meet any required safety standards.~~

~~Any gift or bequest constituting revenues that is accepted by the board will be deposited in the proper fund.~~

~~The superintendent shall provide for the appropriate recognition of contributors.~~
~~Unless otherwise specified in a written agreement approved by the board, any gift or bequest becomes the permanent property of the school system. If the board at any time determines that such property is unnecessary or undesirable for public school purposes, the board may sell such property in accordance with state law.~~

Legal References: G.S. 115C-36, -47, -518; G.S. 115C, art. 35; 47 C.F.R. 54.503; FCC Sixth Report and Order 10-175

Cross References: Technology in the Educational Program (policy 3220), Advertising in the Schools (policy 5240), Student Wellness (policy 6140)

Adopted: May 1, 2000
Updated: February 2, 2009
Updated: January 7, 2013

In recognition of the trust and responsibility placed with the board to manage financial resources for the local educational program, the board establishes the following standards.

1. The board and all employees of the school system will manage and use available funds efficiently and effectively to meet the goals of the local board and State.

2. Effective ~~A~~accounting, financial reporting, and management control systems will be designed, ~~and~~ maintained, and periodically reviewed to (a) enable the board and school system to have access to accurate, reliable, and relevant data~~,~~; ~~and to~~ (b) provide assurance that school system obligations are paid in a timely manner and that accounts are not overspent; (c) provide assurance that funds and records are safeguarded at all times; and (4) permit audits and periodic reports adequate to show that those in charge have handled funds within legal requirements and in accordance with board policy.

3. The superintendent and finance officer shall keep the board sufficiently informed regarding the budget through periodic financial statements showing the financial condition of the school system, other periodic reports, and any other appropriate means so that the board can deliberate upon and evaluate the budget.

4. No moneys will be expended, regardless of the source (including moneys derived from federal, state, local, or private sources), except in accordance with the board's budget resolution or amendments to the budget resolution. The superintendent is authorized to transfer moneys from one appropriation to another within the same fund, subject to such limitations and procedures as may be prescribed by board resolution or state or federal law or regulation. Any such transfers must be reported to the board at its next regular meeting and recorded in the minutes.

5. All receipts and disbursements shall be accounted for according to generally accepted accounting principles for governmental entities.

~~5.~~6. Each employee responsible for handling school system funds or funds of individual schools shall comply with all applicable state and federal laws and regulations, board policies, administrative procedures, and any applicable procedures, requirements, or guidelines established by the finance officer.

7. Principals and school improvement teams must be familiar with state and local board requirements related to managing and using fiscal resources and must comply with these requirements in developing and implementing school improvement plans.

Legal References: G.S. 115C-105.25, -425, -433

Cross References:

Adopted: May 1, 2000

Except as otherwise provided by law, all monies collected or received by an officer, employee, or agent of the school system or an individual school must be deposited in accordance with this policy. Each officer, employee, and agent of the school system or individual school whose duty it is to collect or receive any taxes or other monies shall ensure such collections and receipts are deposited daily. ~~his or her collections and receipts.~~ However, if the amount on hand is less than $250.00, daily deposits are encouraged but are not required. Regardless of the amount on hand, all funds must be deposited at the end of each school week and on the last business day of each month. All deposits must be made with the finance officer or designee or in an official depository. Deposits in an official depository must be reported immediately to the finance officer or individual school treasurer by means of a duplicate deposit ticket.

Unless not feasible in a particular circumstance, the finance officer shall provide for sufficient segregation of duties to ensure that the individual making a deposit is not the same individual who collects, prepares, and/or records the deposit. All moneys collected, but not promptly deposited shall be kept in a secured drawer, cabinet, or safe with access limited to an authorized officer, employee, or agent. Authorized individuals shall be kept to the minimum necessary to achieve adequate internal controls and segregation of duties as determined appropriate by the finance officer.

The finance officer may at any time audit the accounts of any officer, employee, or agent who collects or receives any taxes or other monies and may prescribe the form and detail of these accounts. The accounts of such an officer, employee, or agent must be audited at least annually.

Legal References: G.S. 115C-445

Cross References:

Adopted: May 1, 2000
Updated: March 1, 2010

A. SELECTION AND EVALUATION

The superintendent shall select and the board will approve a school finance officer. The finance officer serves at the pleasure of the superintendent. The superintendent shall evaluate the finance officer to help ensure that all duties as required by law, board policy, and/or the superintendent are met.

B. DUTIES

The school finance officer provides critical services for the effective planning and use of fiscal resources. The school finance officer shall be responsible to the superintendent for:

1. keeping the accounts of the school system in accordance with generally accepted principles of governmental accounting, board policy, the rules and regulations of the State Board of Education, and the rules and regulations of the Local Government Commission;

2. utilizing an encumbrance system for tracking obligations;

3. giving the preaudit and disbursements certificates required by G.S. 115C-441(a1) and (d1), respectively, and establishing procedures to assure compliance with the preaudit requirements;

4. approving or disapproving a disbursement, in accordance with G.S. 115C-441(b), when a bill, invoice, or other claim is presented and establishing procedures to assure compliance with all applicable legal requirements for disbursements;

5. establishing procedures, as described in 20 N.C.A.C. 03.0409(a)(3) and 20 N.C.A.C. 03.0410(a)(2), for preauditing obligations that will be incurred by electronic payment and for disbursing funds by electronic transaction;

6. ensuring that school system personnel are adequately trained about the procedures to be followed for electronic transactions;

~~2.~~7. signing and issuing all checks, drafts, and state warrants by the school system;

~~3.~~8. investing the cash balance of any funds, subject to board policy 8110, Budget Resolution;

~~4.~~9. receiving and depositing all moneys accruing to the school system;

~~5.~~10. preparing and filing a statement of the financial condition of the school system as often as requested by the superintendent;

11. preparing and filing a statement of the financial condition of the school system when requested by the board of education or the board of county commissioners, but only if such requests are in writing and copied to the superintendent;

~~6.~~12. providing the board a quarterly budget-to-actual statement that includes budgeted accounts; actual payments made; amounts encumbered, including electronic obligations; and the amount of the budget that is unobligated for all major funds;

~~7.~~13. providing a copy to the board and notice to the county commissioners of any report received from the Teachers' and State Employees' Retirement System containing a list of employees whose retirement in the upcoming year would likely result in an assessment to the board for additional employer contribution;

~~8.~~14. performing such other duties as may be assigned by law, by the superintendent, or by rules and regulations of the State Board of Education and the Local Government Commission;

~~9.~~15. submitting reports to the Secretary of the Local Government Commission as required by law;

~~10.~~16. receiving and accounting for all clear proceeds of fines, penalties, and forfeitures and notifying the superintendent and board of such funds;

~~11.~~17. reviewing school improvement plans that provide for the transfer of funds between funding allotments or lease purchase contracts;

~~12.~~18. evaluating all continuing contracts, including the principal and interest to be paid, and making recommendations to the superintendent and reports to the superintendent and board as provided in board policy 6425, Continuing Contracts;

~~13.~~19. assisting the superintendent in the development of the budget;

~~14.~~20. prescribing the form and detail of records maintained by the school treasurer;

~~15.~~21. making salary deductions as provided in policy 7620, Payroll Deductions;

~~16.~~22. maintaining custody of the facsimile signature device as provided in policy 8330, Facsimile Signatures; and

~~17.~~23. maintaining custody of insurance policy and programs as provided in policy 8340, Insurance.

C. FIDELITY BOND

The finance officer shall carry a true accounting and faithful performance bond as

provided in board policy 8530, Fidelity Bonds.

Legal References: G.S. 115C-105.25, -435, -436, -441, -442, -443, -445, -446, -448, -452, -528; 20 N.C.A.C. 03.0409, 20 N.C.A.C. 03.0410

Cross References: Preaudit and Disbursement Certifications (policy 6421), Continuing Contracts (policy 6425), Payroll Deductions (policy 7620), Budget Resolution (policy 8110), Facsimile Signatures (policy 8330), Insurance (policy 8340), Fidelity Bonds (policy 8530)

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

The board affirms the State's commitment to encouraging the participation of minority~~-owned and female-owned~~ businesses in the school system's building construction contracts. A minority business is defined in accordance with G.S. 143-128.2 and is one in which (1) at least 51 percent is owned by minority persons or socially and economically disadvantaged individuals, and (2) the management and daily business operations are controlled by one or more of the minority persons or socially and economically disadvantaged individuals who own it. Minority persons include African-Americans, those of Hispanic descent, Asian Americans, American Indians, and females.

A. GOALS

After notice and public hearing, the board ~~has adopted~~ hereby adopts an aspirational ~~the following~~ verifiable percentage goal~~s~~ of five percent for participation by minority businesses in the total value of work for each building project costing $300,000 or more paid entirely from local or other non-state funds~~ in the school system's contracts by historically underutilized businesses:~~ In addition, the board adopts the state's aspirational verifiable goal of 10 percent participation by minority businesses in the total value of work for each building project costing $100,000 or more funded in whole or in part with state funds.

Only businesses holding current certification as a historically underutilized business will be considered eligible for inclusion in meeting the board's participation percentage goals. Lack of certification, however, will not be considered in making a contract award decision.

~~1. Projects in which the cost exceeds $100,000 and the board has received state appropriations or grants for the project:~~

~~___ percent participation by minority-owned and female-owned businesses in the total value of work for each building project involving erection, construction, alteration or repair.~~

~~2. Projects in which the cost exceeds $300,000 (i.e., for which formal bidding is required):~~

~~___ percent participation by minority-owned and female-owned businesses in the total value of work for each building project involving erection, construction, alteration, or repair.~~

~~3. Projects in which the costs are at least $5,000 but do not exceed $300,000 (i.e., for which informal bidding is required):~~

~~Except as otherwise required for projects in subsection 1 above, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation. The board also will comply with any reporting and documentation requirements of the Department of Administration.~~

~~A.~~B. SCHOOL SYSTEM GOOD FAITH EFFORTS

The board ~~has adopted~~ establishes the following guidelines for contracts subject to Section A to ensure that the school system will make good faith efforts to reach diverse contractors and to encourage participation in the school system's construction contracts by such contractors. Before awarding a contract, ~~T~~the ~~school system~~ superintendent or designee ~~will~~shall:

1. make information about the school system's formal and informal bidding process readily available~~:~~.

2. develop and implement a minority business participation outreach plan to identify minority businesses that can perform building projects and to implement outreach efforts to encourage minority business participation in such projects;

3. advertise for bids in media that reach ~~es~~ minority businesses~~; and provide notice to minority businesses as provided in G.S. 143-128.2.~~

4. designate a school official to attend the scheduled pre-bid conference to explain the school system's minority goals and objectives;

5. at least 10 days prior to the scheduled day of bid opening, notify minority businesses of the following:

   a. a description of the work for which the bid is being solicited;

   b. the date, time, and location where bids are to be submitted;

   c. the name of the individual within the public entity who will be available to answer questions about the project;

   d. where bid documents may be reviewed; and

   e. any special requirements that may exist.

   For purposes of this provision, the minority businesses to be notified are those (1) that have requested notices from the school system for construction or repair work, and (2) those that otherwise indicated to the Office of Historically Underutilized Businesses an interest in the type of work being bid or the potential contracting opportunities listed in the proposal;

~~4.~~6. ensure that everyone who requests it has access to building documents needed for making bids on projects~~:~~;

7. maintain documentation of any contacts, correspondence, or conversation with minority business firms made in an attempt to meet the goals;

8. review, jointly with the designer, the lowest responsible bidder's bid for compliance with all requirements of G.S. 143-128.2(c) and -128.2(f) prior to recommendation of the contract award;

9. encourage businesses experiencing difficulty in meeting the bonding, licensing, and bid deposits required by state law in larger construction projects to utilize resources and assistance offered by local, state, and federal agencies~~.~~; and

~~5. attend the scheduled pre-bid conference.~~

~~6.~~10. provide information to bidders about the statewide uniform certification program for historically underutilized businesses.

~~B.~~C. GOOD FAITH EFFORTS REQUIRED BY CONTRACTORS

All bidders on ~~major~~ school construction and renovation projects subject to Section A of this policy who intend to subcontract any part of the project must (1) identify the minority businesses to be used on the project and (2) provide affidavits indicating that a good faith effort has been made in preparing the bid to meet the board's ~~of education's~~ verifiable goal for participation by minority ~~owned and female-owned~~ businesses. Upon being named the apparent lowest responsible, responsive bidder, a bidder shall provide additional evidence of its good faith efforts as required by law.

The level of minority participation in bidders' bids will not affect the contract award decision; however, ~~T~~the failure to provide documentation of ~~make~~ a good faith effort to meet the board's goal may result in the bid being rejected as ~~considered~~ non-responsive ~~and being rejected~~.

Before recommending the award of a contract, ~~T~~the superintendent ~~will establish administrative procedures to verify qualified businesses and good faith efforts by bidders~~shall direct designated school officials to evaluate bidders' documents in accordance with applicable law and regulations to determine whether bidder good faith requirements are satisfied.

D. MONITORING

The superintendent or designee shall monitor payments made to minority businesses on each project subject to Section A to verify that the minority businesses actually working

on the project and their level of participation is consistent with the representations made in the contractor's bid.

E. OTHER MINORITY BUSINESS RECRUITMENT EFFORTS

For building contracts that (1) are not subject to Section A and (2) cost at least $30,000 but less than $300,000, the board will solicit participation by minority business enterprises and maintain a record of contractors solicited and efforts to recruit minority participation.

F. REPORTING

The superintendent shall ensure that all required reports and other documentation are filed with the Department of Administration in accordance with legal requirements.

G. NONDISCRIMINATION

The board will award public building contracts without regard to race, religion, color, creed, national origin, sex, age, or disability. Nothing in this policy should be construed to require the board or contractors to award contracts or subcontracts to minority business contractors or minority business subcontractors who do not submit the lowest responsible, responsive bid or bids.

Legal References: *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989); G.S. 143-128, -128.2, -128.3, -131(b); 01 N.C.A.C. 30I .0101-0310

Cross References:

Adopted: May 1, 2000