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TO: Board of Education

FROM: Kevin Lancaster

DATE: November 7th, 2016

SUBJ: Agenda Items – Policies for First Read

Attached you will find proposed Policy Codes for your consideration. I will be available to answer any questions you may have.

The board recognizes the critical role of parents in the education of their children and in the schools. The board directs school administrators to develop programs that will promote and support parental involvement in student learning and achievement at school and at home and encourage successful progress toward graduation. Each parent is encouraged to learn about the educational program, the educational goals and objectives of the district and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

The board directs each principal or designee to develop a parental involvement plan as a part of the school improvement plan. This plan must include, at a minimum, efforts that meet the requirements established in this policy. In addition, the plan must include ways to enhance parental involvement in the following areas:

1. meaningful two-way communication between home and school;
    a. teachers are encouraged to include a weekly newsletter or email to alert parents of activities in class for the coming week. In addition, emails are encouraged to update parents on progress of students

2. promotion of responsible parenting;

3. involving parents and guardians in student learning;

4. promotion of volunteering;

5. involving parents and guardians in school's decisions that affect children and families;

6. parental training;

7. community collaboration; and

8. promotion of student health awareness

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

## A. PARENT COMMUNICATION AND CONFERENCES

The board encourages regular contact with parents by school personnel for commendation as well as for notification of concerns. Principals or designees shall plan for periodic communications with parents. Teachers are responsible for scheduling conferences with parents.

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

Risk of Academic Failure .

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

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

**B. ANNUAL NOTIFICATION**

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

In addition, annually every building principal or designee shall effectively notify parents of the following:

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

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

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

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

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

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

7. policy 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure

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

9. the dates of the system-wide and state-mandated tests that students will be required to

take during that school year, how the results from the tests will be used and the consequences thereof, and whether each test is required by the State Board of Education or by the local school board.

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

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

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

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

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

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

    c. ~~student achievement (disaggregated by category),~~~~student achievement (disaggregated by category),~~the percentage and number of students who are:
        i. assessed,
        ii. assessed using alternate assessments,
        iii. involved in preschool and accelerated coursework programs, and
        iv. English learners achieving proficiency;

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

    ~~a.~~e. teacher qualifications.

14. the grade awarded to the school on the most recent annual report card issued for it by the

State Board of Education if the school received a grade of D or F.

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

16. information about meningococcal meningitis and influenza, including the causes, the symptoms, the vaccines, how the diseases are spread and places where additional information and vaccinations may be obtained;

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

18. how to reach school officials in emergency situations during non-school hours;

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

20. information about the school breakfast program;

21. information about the availability and location of free summer food service program meals for students when school is not in session.

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

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

24. education rights of homeless students (see policy 4125, Homeless Students);

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

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

27. that the school system does not discriminate on the basis of race, color, national origin, sexual orientation, gender identity, disability, or age (see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying and 1730/4022/7231, Nondiscrimination on the Basis of Disabilities; and

28. that the school system provides equal access to its facilities, programs and activities to Boy Scouts and other designated youth groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying); and

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

## C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

As a part of the annual notification described above, parents will be effectively notified that parental consent may be withheld for the following:

1. student's participation in programs or services providing information about where to obtain contraceptives or abortion referral services;

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

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

4 their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including HIV and reproductive health and safety education, as provided in policy 3540 Comprehensive Health Education Program.
A copy of material that will be used in these curricula will be available in the school media center during the school year and other times that the media center is available to the public. To meet any review periods required by law, materials also may be made available for review in the central office;

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

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

7. their child's participation in any non-emergency, invasive physical examination or screening that is: (a) required as a condition of attendance; (b) administered and scheduled

in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

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

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

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

**D. PARENTAL PERMISSION REQUIRED**

Written parental permission is required prior to the following activities:

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

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

3. off campus trips;

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

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

6. certain health services, as required by law;

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

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

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

10. disclosure of a student's free and reduced price lunch eligibility information or eligibility status; and

~~10 disclosure of the identity of any student receiving supplemental education services under the Title I program; and~~

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

Legal Reference: Elementary and Secondary Education Act, as amended, 20 U.S. C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g , 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 USC 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2341, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210, 12; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47 (47), -47(51), -47(54), -81(el), ~~-83.4A(d),~~ -105.41, -109.1, -307(c), -375.4, -390.2, -391.1, -407.16; U.S. C. 6318; 34 C.F.R. 200.37, -200.39, G.S. 90-21.1, 115C-47(47), -47(51), -81(el); State Board of Education Policy FCB-A-000, GCS-A-001,GCS-J-002

Cross Reference: Title I Parent and Family Engagement ~~Involvement~~ (policy 1320/3560), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Technology Responsible Use (policy 3225/4312/7320, Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), Evaluation of Student Progress (policy 3400), Class Rankings (policy 3450), Special Education Programs/Rights of Disabled Students (policy 3520), Comprehensive Health Education Program (policy 3540), Counseling Program (policy 3610), Homeless Students (policy 4125), Student Insurance Program (policy 4220), Child Abuse - Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), School Plan for Management of Student Behavior (policy 4302) Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Food Services (policy 6225), Pest Management (policy 9205)

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The board of education recognizes the value of family engagement in a child's academic success and believes that the education of children is an ongoing cooperative partnership between the home and the school. Parents and other family members are their children's first teachers; therefore, the continued involvement of parents and family members in the educational process is most important in fostering and improving educational achievement. School system officials shall strive to support parents and provide parents and family members with meaningful opportunities to become involved in the programs offered by the Title I schools. The board encourages parents and family members to participate in the design and implementation of the programs and activities in order to increase the effectiveness of the school system's Title I program in helping students meet state and local achievement standards.

## A. DEFINITION OF PARENT~~AL~~ AND FAMILY ENGAGEMENT ~~INVOLVEMENT~~

For the purposes of this policy ~~and the Title I program~~, the term "parent~~al~~ and family engagement ~~involvement~~" means the participation of parents, ~~and~~ guardians and other family members in regular, two-way and meaningful communication involving student ~~academic~~ learning and other school activities, including ensuring the following:

1. that parents and family members play an integral role in assisting their child's learning;

2. that parents and family members are encouraged to be actively involved in their child's education at school;

3. that parents are full partners in their child's education and parents and family members are included, as appropriate, in decision making and on advisory committees to assist in the education of their child; and

4. that the school system ~~engages in~~ utilizes activities to support parent~~al~~ and family engagement ~~involvement~~ in the Title I programs.

## B. PURPOSE AND OPERATION OF TITLE I PROGRAM

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high-quality, well-rounded education and meet the school system's challenging academic standards. The Title I program is to provide instructional activities and supportive services to eligible students over and above those provided by the regular school program. ~~When applicable, students must be selected to receive Title I services based on objective criteria that are consistent with federal and state requirements, such as standardized test scores, teacher judgment, and results of pre-school screening and home-school surveys.~~

Qualified Title I schools shall operate as school-wide programs or targeted assistance programs based upon federal eligibility criteria. School-wide programs shall provide ~~utilize a~~ comprehensive support to offer improved opportunities for all students in the school to meet the school system's academic standards ~~school~~

~~improvement process enabling schools to serve all students in the school~~. Targeted assisted programs shall provide services to eligible students ~~having the greatest need for assistance~~ most in need of assistance in the school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgement, and results of preschool screening and home-school surveys.

Both school-wide and targeted assistance programs shall be based on effective means of improving student achievement and shall include evidence based strategies to support parent~~al~~ and family engagement ~~involvement~~.

## C. ANNUAL MEETING AND PROGRAM EVALUATION

Each year, school officials must invite ~~Title I~~ parents of students participating in Title I programs ~~must be invited to an annual~~ to a meeting to explain, ~~at which time~~ parental rights, ~~will be explained~~ discuss the programs and activities to be provided with Title I funds, and solicit input on the Title 1 program and this policy ~~will be discussed, and input will be solicited~~. In addition, school officials must provide ~~all~~ parents and family members ~~will have an~~ a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent~~al~~ and family engagement ~~involvement~~ policies and plans. ~~Data~~ Information collected from these ~~findings~~ proceedings will be used to revise Title I programs and parent~~al~~ and family engagement ~~involvement~~ plans.

## D. ~~PARENTAL INVOLVEMENT~~ PARENT AND FAMILY ENGAGEMENT EFFORTS

The board believes that the involvement of ~~Title I parents and family members in the design and implementation of the~~ parents and family members of students participating in Title I program will increase the effectiveness of the program and contribute significantly to the success of the children. The Title I staff and all school system personnel shall strive to conduct outreach to ~~involve~~ parents and family members and involve them in activities throughout the school year.

The superintendent shall ensure that this system-level parent~~al~~ and family engagement ~~involvement~~ policy and plan is developed with, agreed upon with and annually distributed to parents and family members of participating students. In addition to the system-level parent~~al~~ and family engagement ~~involvement~~ policy, each school participating in the Title I program shall jointly develop and annually distribute to parents and family members a school-level written parent~~al~~ and family engagement ~~involvement policy~~ plan that describes the means for carrying out school-level policy, sharing responsibility for student academic achievement, building the capacity of school staff and parents and family members for involvement, and increasing accessibility for participation of all ~~Title I~~ parents, including parents and family members with limited English proficiency, parents with disabilities, and parents and family members of children participating in Title I programs, including parents and family members ~~with~~ who have limited English proficiency, who have ~~parents with~~ disabilities, ~~and parents of~~ or who are migratory ~~children~~. School-level plans must involve parents in the planning and improvement of Title I activities and must provide for the distribution to parents of information on expected student ~~proficiency~~ achievement levels and the school's academic performance.

School officials ~~will~~ shall invite appropriate school personnel from private schools to consult on the design and development of it programs in order to provide equitable services to students enrolled in private schools. The superintendent or designee ~~will~~ shall establish any additional procedures necessary to achieve timely and meaningful consultation with private school officials in accordance with federal law.

In addition, school system officials and Title I school personnel shall do the following:

1. involve parents and family members in the joint development of the Title I program and school support and improvement and the process of school review and improvement by including parents on the school advisory committee and any committees that review the Title I program;

~~2.~~ provide coordination, technical assistance and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective ~~parental involvement~~ parent and family engagement activities that are designed to improve student academic achievement and school performance;
~~build the schools' and parents' capacity for strong parental involvement by collecting and disseminating information on effective parental involvement techniques;~~

3. coordinate and integrate parent~~al~~ and family engagement ~~involvement~~ strategies in the Title I program to the extent feasible and appropriate with parental engagement ~~involvement~~ strategies ~~activities~~ established in other federal, state, and local laws and programs~~, such as Head Start and similar programs~~;

4. with the meaningful involvement of parents, conduct an annual evaluation of the content and effectiveness of the school system parent~~al~~ and family engagement ~~involvement~~ policies and program in improving the academic quality of the school and assisting students to meet the school system's academic standards;

5. strive to eliminate barriers of parental participation by assisting parents who have ~~with~~ disabilities and parents who are economically disadvantaged, have limited English proficiency, are migratory, or have other backgrounds or characteristics that may affect participation;

6. provide outreach and assistance to parents and family members of ~~participating Title I~~ children who are participating in Title I programs in understanding the state's testing standards, the assessments used, Title I requirements and all national, state and local standards and expectations through such efforts as community-based meetings, posting information on school websites, sending information home, newsletters, workshops and newspaper articles;

7. design a parent–student–school staff compact that sets out respective responsibilities in striving to raise student achievement and explains how an effective home/school partnership will be developed and maintained;

8. with the assistance of parents, ensure that teachers, ~~pupil services personnel~~, specialized instructional support personnel, principals and other staff are educated in the value of parents as partners in the educational process and understand how to work with, communicate with and reach out to parents as equal partners in education;

9. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to help parents monitor their child's progress and work with educators to improve achievement through such methods as ~~technology or~~ literacy training or using technology, which may include education about the harms of copyright piracy;

10. coordinate and integrate, to the extent feasible and appropriate, parental involvement programs and activities with federal, state, and local programs, including public pre-school programs, and conduct other activities in the community that encourage and support parents to more fully participate in the education of their child;

11. strengthen the partnership with agencies, businesses and programs that operate in the community, especially those with expertise in effectively engaging parents and family members in education;

12. ensure that parents are involved in the school's Title I activities; and

13. provide such other reasonable support for Title I parental involvement activities as requested by parents.

## E. NOTICE REQUIREMENTS

School system officials and Title I school personnel shall provide effective notice of the following information as required by law. The notice must be in an understandable and uniform format and, to the extent practicable, in a language the parents can understand.

1. ~~LEP~~ Program for English Learners

   Each year the principal or designee shall provide notice of the following to parents of ~~limited~~ English Learners (EL) ~~proficient (LEP) children~~ identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

   a. the reasons for the child's identification;

   b the child's level of English proficiency and how such level was assessed;

   c methods of instruction;

   d. how the program will help the child;

   e. the exit requirements for the program;

f. if the child has a disability, how the language instruction educational program meets the objectives of the child's individualized educational program (IEP); ~~and~~

g. any other information necessary to effectively inform the parent of the program and the parental rights regarding enrollment, removal and selection of ~~an LEP~~ a program English Learners (EL); and

h. notice of regular meetings for the purpose of formulating and responding to recommendations from parents.

~~a. The principal or designee of a school with a Title I, Part A-funded language instruction program that has failed to make progress on the annual achievement objectives for LEP students, shall notify the parents of such failure no later than 30 days after the failure occurs.~~

2. System Report Card ~~and School Progress Review~~

Each year, school system officials shall disseminate to all parents, schools and the public a school system report card containing ~~aggregate~~ information about the school system and each school, including, but not limited to~~, student achievement (disaggregated by category), graduation rates, performance of the school system and teacher qualifications.~~

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

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

c. the percentage and number of students who are:
   i. assessed,
   ii. assessed using alternate assessments,
   iii. involved in preschool and accelerated coursework programs, and
   iv. English Learners (EL)achieving proficiency;

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

e. teacher qualifications.

~~a. Each year, school system officials shall disseminate to all parents, schools and the community the results of the LES's yearly progress review of each school~~.

3. Teacher Qualifications

a. At the beginning of each ~~Each~~ year, school system officials shall notify parents of ~~Title I~~ students who are participating in the Title I programs of the right to request certain information on the professional qualifications of the student's classroom teachers and paraprofessionals providing services to the child (see policy 7820, Personnel Files).

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned ~~is not "highly qualified" as defined in the No Child Left Behind Act~~.

4. Parental Rights and Opportunities for Involvement

Each year, the principal or designee of a Title I school shall provide notice to parents of the school's written ~~parental~~ parent and family engagement policy, parents' right to be involved in their child's school and opportunities for parents and family members to be involved in the school.

b. Each year, the principal or designee of a Title I school shall provide notice to parents of their right to request information regarding student participation in state-required assessments.

## F. WEBSITE ~~NOTIFICATION~~ DISTRIBUTION OF INFORMATION

Each year, school system officials shall publicize on the school system website and, where practicable, on the website of each school:

1. the report card described in subsection E.2, above; and

2. information on each assessment required by the state and, where feasible, by the school system, organized by grade level. The information must include:

a. the subject matter assessed;

b. the purpose for which the assessment is designed and used;

c. the source of the requirement for the assessment;

d. if available, the amount of time students will spend taking the assessments and the schedule of the assessments; and

e. if available, the time and format for distributing results.

~~When a Title I school is identified for improvement, corrective action or restructuring, the school system will display on its website the following information in a timely manner to ensure that parents have current information regarding supplemental services and public school choice;~~

~~1. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in public school choice;~~

~~2. for the current school year, a list of available schools to which students eligible to participate in public school choice may transfer;~~

~~3. beginning with data from the 2007-2008 school year and for each subsequent school year, the number of students who were eligible for and the number of students who participated in supplemental educational services; and~~

~~4. for the current school year, a list of supplemental educational services providers approved by the state to serve the school system and the locations where services are provided.~~

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

Legal References: Elementary and Secondary Education Act, as amended,20 U.S. C. 6301 *et seq.* 34 C.F.R. pt. 200~~; 20 U.S.C. 7801(32); *Public School Choice Non-Regulatory Guidance,* U.S. Department of Education (January 14, 2009); *Supplemental Educational Services Non-Regulatory Guidance,* U.S. Department of Education (January 14, 2009); U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012);~~

~~Other Resources: *Giving Parents Options: Strategies for Informing Parents and Implementing Public School choice and Supplemental Educational Services Under No Child Left Behind,* U.S. Department of Education Office of Innovation and Improvement (September 2007)~~

Cross References: Parental Involvement (policy 1310/4002), Goals and Objectives of the Educational Program (policy 3000), Curriculum Development (policy 3100), Personnel Files (7820)

Other Sources: *Giving Parents Options: Strategies for Informing Parents and Implementing Public School Choice and Supplemental Educational Services Under No Child Left Behind*, U.S. Department of Education Office of Innovation and Improvement (September 2007)

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Updated: December 7, 2015

# GOVERNING PRINCIPLE – SCHOOL INITIATIVES

*Policy Code: REVISED* **1400**

In a system of excellent schools, each school initiates improvements to the educational program and services for students and involves staff, parents, and students in the school-level decision-making processes. The board's vision for encouraging school initiatives, including school-level decision making, is expressed through the following board policies:

Title I Parent and Family Engagement..... .....(policy 1320/3560)
School Rules..... .....(policy 2475)
Curriculum Development.....(policy 3100)
Innovation in Curriculum and Instruction.....(policy 3110)
Curriculum and Instructional Guides.....(policy 3115)
Selection of ~~Textbooks and Supplemental~~ Instructional Material..... .....(policy 3200)
School Calendar and Time for Learning.....(policy 3300)
Student ~~Promotion~~ Progression and ~~Accountability~~ Placement .....(policy 3420)
School Improvement Plan.....(policy 3430)
Comprehensive Health Education Program.....(policy 3540)
School Plan for Management of Student Behavior.....(policy 4302)
Administering Medicines to Students.....(policy 6125)
Staff Involvement in Decision Making.....(policy 7210)
Budget Resolution.....(policy 8110)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Adoption of Policies (policy 2420)

Adopted: March 6, 2000
Updated: November 7, 2016

# GOVERNING PRINCIPLE – STEWARDSHIP OF RESOURCES

*Policy Code: REVISED* **1800**

A system of excellent schools conserves financial and environmental resources and operates in an efficient manner. The board's vision for conserving resources and operating efficiently is expressed in the following board policies:

Board Member Conflict of Interest ..... (policy 2121)
Board Member Compensation and Expenses ..... (policy 2130)
Goals of the Purchasing Function ..... (policy 6400)
Ethics and the Purchasing Function ..... (policy 6401)
Organization of the Purchasing Function ..... (policy 6410)
Continuing Contracts ..... (policy 6425)
Local Purchasing Requirements for Equipment, Materials, and Supplies ..... (policy 6440)
Purchase of Services ..... (policy 6450)
Goals of Equipment, Materials, and Supplies Services ..... (policy 6500)
Organization of Equipment, Materials, and Supplies Services ..... (policy 6510)
Use of Equipment, Materials, and Supplies ..... (policy 6520)
Personal Use of Equipment, Materials, and Supplies ..... (policy 6521)
Use of Equipment, Materials, and Supplies by Non-School Groups ..... (policy 6522)
Instructional Materials Services ..... (policy 6525)
Resource Conservation ..... (policy 6530)
Hazardous Materials ..... (policy 6540)
Vandalism ..... (policy 6550)
Employee Travel and Other Expense Reimbursement ..... (policy 7650)
Employee Conflict of Interest ..... (policy 7730)
Fiscal Goals ..... (policy 8000)
Budget Planning and Adoption ..... (policy 8100)
Grants and Funding for Special Projects ..... (policy 8210)
Penalties, Fines, and Forfeitures ..... (policy 8230)
Fiscal Management Standards ..... (policy 8300)
Federal Grant Administration ..... (policy 8305)
Depositories ..... (policy 8320)
Daily Deposits ..... (policy 8325)
Insurance ..... (policy 8340)
Individual School Accounts ..... (policy 8410)
School Finance Officer ..... (policy 8510)
School Treasurer ..... (policy 8520)
Facility Design ..... (policy 9020)
Facility Construction ..... (policy 9030)
Bidding for Construction Work ..... (policy 9120)
Care and Maintenance of Facilities ..... (policy 9200)
Sale, Disposal, and Lease of Board-Owned Real Property ..... (policy 9400)

Legal References: G.S. 115C-36

Cross References: Governing Principles (policy 1100), Board and Superintendent Relations (policy 2010), Adoption of Policies (policy 2420)

Adopted: March 6, 2000
Updated: November 7, 2016

The board recognizes the importance of setting rigorous graduation requirements to help ensure that students are receiving an education that will prepare them to be productive members of society.

In order to graduate from high school, students must meet the following requirements:

1. successful completion of all course unit requirements mandated by the State Board of Education (see Section A);

2. successful completion of cardiopulmonary resuscitation instruction; and

3. successful completion of all other requirements mandated by the board as provided in this policy.

The principal shall ensure that students and parents are aware of all graduation requirements. Guidance program staff shall assist students in selecting their high school courses to ensure that students are taking all of the required units and selecting electives consistent with their post-graduation plans. For students who have transferred to the school system during high school, or who for other reasons have completed course work outside of the school system, the principal shall determine what course work will be applied as credit for graduation. The principal shall consider the requirements of the Interstate Compact on Educational Opportunities for Military Children (G.S. 115C-407.5) and the requirements of subsection D.3 of this policy in determining the graduation requirements for children of military families.

## A. COURSE UNITS REQUIRED

~~Beginning with the students entering the ninth grade for the first time in the 2009-2010 school year, all~~ All students must fulfill the course unit requirement of the Future-Ready Core Course of Study, unless they are approved for the Future-Ready Occupational Course of Study. ~~Course unit requirements for the Future-Ready Core Course of Study differ depending on the year a student enters the ninth grade for the first time~~ The table in subsection A.1 lists he course unit requirements for the Future-Ready Core Course of Study applicable to students who entered ninth grade for the first time during the 2013-2014 school year or thereafter. ~~as set out in the tables below~~. Students who entered the ninth grade for the first time before 2013-2014 school year should consult their guidance counselor to determine applicable course unit requirements for graduation.

In accordance with policy 3101, Dual Enrollment, and State Board of Education requirements, students may earn high school credit for college courses completed. In addition, students may earn credit for certain high school courses in the Future Ready Core Course of Study completed while in middle school, as authorized by the State Board of Education. Students also have the opportunity to meet course unit requirements without completing the regular period of classroom instruction by demonstrating mastery of the course material in accordance with policy 3420, Student Promotion and Accountability, and State Board of Education requirements.

All awards of high school course credit must be consistent with State Board of Education requirements. Any inconsistency between board policy and State Board graduation requirements will be resolved by following the State Board requirements. While the board endeavors to keep its policy up to date with current state Board of Education graduation requirements, students should verify current requirements with their guidance counselors when planning course schedules or making other decisions based on graduation requirements.

1. Future Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2012~~2~~3-2013~~3~~4 and After.
   Graduates must also complete this course of study as part of the 28 credits required for graduation, unless a differentiated diploma has been approved under policy 3460-R.

| **Courses Required** * | **State Requirements** | **Local Requirements** |
|---|---|---|
| English | 4 sequential (English I, II, III and IV)~~*~~ | |
| Mathematics | 4 (NC Math ~~I~~1, ~~II~~2, and ~~III~~ 3 and a fourth math course aligned with the student's post-high school plans. ** (A principal may exempt a student from this math sequence. The exempt student will be required to pass NC Math ~~I~~1, ~~II~~2 and- two other application-based math courses or selected CTE courses, as identified on the NC DPI math options chart.)**** | |
| Science | 3 (a physical science course, Biology~~,~~ and earth/environmental science) | |
| Social Studies | 4 (including American History; Founding Principles, Civics and Economics American History Parts I and II and World History)**** | |
| Health/PE | 1 | |
| Electives | 6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended)***** | |
| **Total Credits** | **22** | 6 Additional earned credits from any of the above subjects |

*Certain international Baccalaureate (IB) and Advanced Placement (AP) courses will satisfy specific graduation requirements. See SBE policy GCS-L-008

**Students entering ninth grade for the first time prior to the 2014-2015 school year have alternate math course options. See SBE policy GCS-N-004

*** Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Math III as a prerequisite.
The math options chart is available at http://maccss.ncdpi.wikispaces.net/file/view/Math%20Options%20Chart%209.5.2014.pdf/522504358/Math%20Options%20Chart%209.5.2014.pdf

****American History: Founding Principles, Civics and Economics must follow the North Carolina Standard course of Study (NCSCOS) in its entirety and may not be satisfied by an AP/IB course, dual enrollment, or any other course that does not fully address the NCSCOS.

***** Students seeking to complete minimum course requirements for UNC universities must complete two years of a second language.

~~Future-Ready Core Course of Study Credits Required for Students Entering Ninth Grade for the First Time in 2009-2010, 2010-2011 or 2011-2012~~

| ~~**Courses Required**~~ | ~~**State Requirements**~~ | ~~**Local Requirements**~~ |
|---|---|---|
| ~~English~~ | ~~4 (including English I, II, III and IV)*~~ | |
| ~~Mathematics~~ | ~~4 either Algebra I, Geometry, Algebra II and a fourth math course aligned with the student's post-high school plans OR Integrated Math I, II and III and a fourth math course aligned with the student's post high school plans)~~<br>~~(A principal may exempt a student from this math sequence. Exempt students will be required to pass either (1) Algebra I and either Algebra II or Geometry or (2) Integrated Math I and II. Exempt students also must pass either Alternative Math I and II or two other application-based math courses*~~ | |
| ~~Science~~ | ~~3 (a physical science course, Biology and earth/environmental science)~~ | |
| ~~Social Studies~~ | ~~3 (Civics & Economics, U.S. History and World History)~~ | |
| ~~Health/PE~~ | ~~1~~ | |
| ~~Electives~~ | ~~6 (2 electives must be any combination of Career and Technical Education, Arts Education or World Language; 4 must be from one of the following: Career and Technical Education, R.O.T.C., Arts Education or any other subject area or cross-disciplinary courses. A four-course concentration is recommended)**~~ | |
| ~~**Total Credits**~~ | ~~**21**~~ | |

~~* Students seeking to complete minimum course requirements for UNC universities must complete four mathematics courses, including a fourth math course with Algebra II or Integrated Math III as a prerequisite.~~

~~** Students seeking to complete minimum application requirements for UNC universities must complete two years of a second language.~~

2. Future-Ready Occupational Course of Study Credits Required (only available to certain students with disabilities who have an IEP)

| **Courses Required** | **State Requirement** | **Local Requirements** |
|---|---|---|
| English | 4 (including English I, II, III~~,~~ and IV) | |
| Mathematics | 3 (including Introduction to Math ~~I~~1, Math I, and Financial Management | |
| Science | 2 (including Applied Science and Biology) | |
| Social Studies | 2 (including American History I and II) | |
| Health/PE | 1 | |
| Career/Technical | 4 (Vocational Education electives) | |
| Occupational Preparation | 6 (including Occupational Preparation I, II, III and IV, which requires150 hours of school-based training. 225 hours of community-based training and 225 hours of paid employment | |
| Electives | 0 | |
| Other Requirements | • Completion of IEP objectives<br>• Career Portfolio | |
| **Total Credits** | **22** | |

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

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

High school students must take all required end-of-course (EOC) tests, NC Final Exams, and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education and pursuant to policy 3410, Testing and Assessment Program.

## C. SPECIAL CIRCUMSTANCES

The board adopts the following policies with regard to graduation:

1. Honor Graduates

   Honor graduates may be designated by principals on the basis of criteria established by the superintendent. Recognition of honor graduates may be included in graduation programs.

2. Students with Disabilities

   Graduation requirements must be applied to students with disabilities to the extent required by state and federal law and State Board policy.

3 Children of Military Families

In order to facilitate the on-time graduation of children of military families, the board adopts the following policy provisions for students covered by the Interstate Compact on Educational Opportunity for Military Children.

a. Waiver Requirements

Specific course work required for graduation will be waived if similar course work has been satisfactorily completed in another school system. If a waiver is not granted, school administrators shall provide the student with reasonable justification for the denial. If a waiver is not granted to a student who would qualify to graduate from the sending school, the superintendent or designee shall provide the student with an alternative means of acquiring the required coursework so that graduation may occur on time.

b. Testing Requirements for Graduation

The superintendent shall accept the following in lieu of any local testing requirements for graduation: (1) the end-of-course exams required for graduation from the sending state; (2) national norm-referenced achievement tests or (3) alternative testing. If these alternatives are not feasible for a student who has transferred in his or her senior year, subsection c below will apply.

c. Transfers During Senior Year

If a child of a military family who has transferred at the beginning or during his or her senior year is ineligible to graduate from the school system after all the alternatives listed above have been considered and the student meets the graduation requirements at his or her sending school, then school officials from the school system shall collaborate with the sending school system to ensure that the student will receive a diploma from the sending board of education.

4. Early Graduation

Graduation prior to that of one's class may be permitted on the basis of criteria approved by the board upon recommendation by the superintendent.

5. Graduation Certificate

Graduation certificates will be awarded to students in compliance with the policies of the State Board of Education.

6. Diploma Endorsements

Students have the opportunity to earn one or more of the following diploma endorsements identifying a particular area of focused study; (1) Career Endorsement, (2) College Endorsement (two options), and/or (3) North Carolina Academic Scholars Endorsement and/or (4) a Global Languages Endorsement. No endorsement is required

to receive a diploma.

Legal References: G.S. 115C-47, -81, -174.11,--276, -288, -407.5; State Board of Education Policies GCS-C-003, GCS-L-007, GCS-M-001, GCS-N-004, -010

Cross References: Goals and Objectives of the Educational Program (policy 3000), Testing and Assessment Program (policy 3410), Student Promotion and Accountability (policy 3420), Citizenship and Character Education (policy 3530), Children of Military Families (policy 4050)

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

# EXTRACURRICULAR ACTIVITIES AND STUDENT ORGANIZATIONS

*Policy Code:* **3620**

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

## A. EXTRACURRICULAR ACTIVITY REQUIREMENTS

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students enrolled in Montgomery County Schools who are in good academic standing who meet behavior standards established by the board and the school. Participation in extracurricular activities may be restricted if a student (1) is not performing at grade level as provided in policy 3400, Evaluation of Student Progress; (2) has exceeded the number of absences allowed by policy 4400, Attendance; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. In addition, in order to be eligible for interscholastic athletics participation, the student athlete ~~students must have been in daily attendance 85 percent of the previous semester and~~ must meet all applicable eligibility standards of the North Carolina High School Athletic Association, the North Carolina Department of Public Instruction, and any locally established requirements for interscholastic athletics participation. Students in the sixth grade are **[**eligible to participate in all interscholastic athletics except football**]** **[**~~not eligible to participate in interscholastic athletics~~**].**

School administrators choosing to exercise the authority to restrict participation based upon any of the reasons provided in ~~this~~ the previous paragraph shall provide this policy and any additional rules developed by the superintendent or the principal to all parents or guardians and students. The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

## B. SPECIAL CIRCUMSTANCES

~~1. Extracurricular activities may be used as a component of an at-risk student's intervention plan. The intervention plan may include providing for or restricting the student's participation in extracurricular activities. If the plan restricts the student's participation, the plan must include other intervention strategies designed to improve student performance.~~

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

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

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

    b. waiving application deadlines.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-47(4), -391, -407.5; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy GCS-D-000; State Board of Education Policy HRS-D-001; N.C. High School Athletic Association Handbook; Middle/Junior High School Athletic Manual, available at http://www.ncpublicschools.org/curriculum/healthfulliving/athletics/

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military Families (policy 4050), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: May 4, 2010
Updated: June 1, 2015
Updated: June 6, 2016
Updated: November 7, 2016

# TRANSLATING POLICIES FOR STUDENTS AND PARENTS

*Policy Code:* **4003**

The board recognizes that there are many students and parents in the school system whose ~~for whom English is primary a second~~ language is not English. The board further recognizes the importance of communicating the policies of the school system to all students and parents. As funds permit, to the extent practicable, and as otherwise required by law, the school system will provide translations of pertinent school system information and policies to those students and parents whose primary language is not English ~~who speak English as a second language~~ During non-instructional times, staff in the English Learners Services ~~English as a second language~~ Department may assist schools in providing such translations. The superintendent may explore additional options for providing translations or interpretations of student and parent policies.

Legal References: ~~No Child Left Behind Act~~ Elementary and Secondary Education Act, 20 U.S.C. ~~6316~~6318; G.S. 115C-36, -47

Cross References: Parental Involvement (policy 1310/4002)

Adopted: March 13, 2006
Updated: May 4, 2009
Updated: November 7, 2016

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

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

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

## A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct shall be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.7. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

## B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

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

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

3. Employees are prohibited from engaging in other forms of one-to-one electronic communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with the students without prior approval of the employee's supervisor and the student's

parent. This rule shall not apply, however, if one or more of the following circumstances exist:

a. The communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years, (this requirement does not apply to telephone or voice mail communications), and (3) occurs after the employee has given prior notice to his or her supervision or designee that such communications will occur;

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

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

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

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

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

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

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

b. Whether the communication(s) was appropriate to the student's age and maturity level;

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

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

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

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

## C. REPORTING INAPPROPRIATE CONDUCT

1. Reporting by Employees

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

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

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

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

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

2. Reporting by Students

   Any student who believes that he or she or another student has been subject to misconduct that violates this policy should immediately report the situation to the principal, school counselor, or the Title IX coordinator designated in policy 1720/4015/7225, Discrimination, Harassment, and Bullying Complaint Procedure.

3. Report of Criminal Misconduct

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 *et seq*., 34 C.F.R. pt 106; G.S. 14-27.32, -202.4; 115C-47(18); 16 NCAC 6C.0601, 0602; State Board of Education Policy TCP-C-014

Cross References: Governing Principle – Removal of Barriers (policy 1700), Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Student and Parent Grievance Procedure (policy 1740/4010), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

Adopted: April 10, 2000
Updated: April 6, 2009
Updated: August 3, 2010
Updated: December 7th, 2015
Updated: November 7, 2016

# AGE REQUIREMENTS FOR INITIAL ENTRY

*Policy Code :REVISED* **4100**

The board of education requires all students to meet the eligibility requirements for school admission established by the state and the board, including age. Any parent or guardian who is unclear whether a child meets the age requirements is encouraged to contact the superintendent's office or the elementary school that the child is likely to attend.

## A. ENTITLEMENT TO INITIAL ENTRY

A child who is presented for enrollment at any time during the first 120 days of a school year will be considered eligible for initial entry in any of the following circumstances:

1. The child reaches or reached the age of 5 on or before August 31 of that school year;

2. The child resided in another state and was attending school during that school year in accordance with that state's laws or rules prior to moving to North Carolina. (The child does not need to reach the age of 5 on or before August 31 in this circumstance.)

3. The child did not reach the age of five on or before August 31 of that school year, but would be eligible to attend school during that school year in another state in accordance with the laws or rules of that state, if all of the following apply:

    a. the child's parent is a legal resident of North Carolina who is an active member of the uniformed services assigned to a permanent duty station in another state;

    b. the child's parent is the sole legal custodian of the child;

    c. the child's parent is deployed for duty away from the permanent duty station; and

    d. the child resides with an adult who is a domiciliary of a local school administrative unit in North Carolina as a result of the parent's deployment away from the permanent duty station.

## B. DISCRETIONARY ENROLLMENTS

The board may allow a child to be enrolled in either of the following circumstances:

1. The child is presented for enrollment after the first 120 days of a school year and meets one of the circumstances specified above for entitlement to initial entry;

2. The child reached the age of four (4) on or before April 16; the child is presented for enrollment no later than the end of the first month of the school year; and the principal of the school finds, based on information submitted by the child's parent or guardian, that the child is gifted and has the maturity to justify admission to school. The board regards admission of a four year old child to be an extraordinary measure that should not be used merely because the child is developmentally advanced. In making such a determination, the principal shall follow guidelines established by the State Board of Education.

## C. GRADE LEVEL OF INITIAL ENTRY

The initial point of entry will be the kindergarten level. After initial entry, a principal may move the child to the first grade if the principal determines that the child may be served more appropriately in the first grade.

## D. EVIDENCE OF AGE

When a child is present for admission for the first time, the principal shall require the parent or guardian of the child to furnish a certified copy of the child's birth certificate or other competent and verifiable evidence of the child's date of birth. Such evidence may include, but is not limited to: (1) a certified copy of any medical record of the child's birth issued by the treating physician or the hospital in which the child was born; or (2) a certified copy of a birth certificate issued by a church, mosque, temple or other religious institution that maintains birth records of its members.

A birth certificate or other satisfactory proof of age issued by a foreign country or institution will be accepted and treated in the same manner as comparable documents issued in the United States. School officials shall use documents only for the purpose of establishing the age of the child and not to inquire about the citizenship of the child, parent or guardian.

For a student who is in foster care or considered homeless, the inability to provide documentation will not prevent immediate enrollment of the student. ~~, the prohibit or cause a delay in enrollment of the student~~ School officials, or in the case of a homeless student~~. The~~ homeless liaison, shall immediately contact the last school the student attended to obtain relevant enrollment records or other information needed for enrollment. These officials shall work with the student, the parent or guardian, school personnel and other agencies as necessary to obtain ~~the necessary enrollment records or other~~ enrollment information in a timely manner.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq*;G.S. 115C-288, -364; 130A-109; 16 N.C.A.C. 6E.0105, State Board of Education Policy GCS J-001

Cross References: Homeless Students (policy 4125)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: March 2, 2010
Updated: December 5, 2011
Updated: November 7, 2016

The board of education requires all students to meet the eligibility requirements for school admission established by the State and the board, including immunization. The principal or designee shall maintain on file immunization and health assessment records for all students, and these records, may be inspected by officials of the county or state health departments in accordance with state and federal law. Each school principal shall file required reports with the Department of Health and Human Services and the Department of Public Instruction.

## A. IMMUNIZATION

1. Requirements for Initial Entry

Within 30 calendar days of his or her first day of attendance in the school system, each student must show evidence of age appropriate vaccination in accordance with state law and regulation, including the following vaccines as applicable:

a. DTaP (diphtheria, tetanus, and pertussid);

b. Poliomyelitis (polio)

c. Measles (rubeola);

d. Rubella (German measles)

e. Mumps;

f. Haemophilus influenza, type b (Hib);

g. Hepatitis B;

h. Varicella (chickenpox; and

i. Any other vaccine may be required by law or regulation.

The current required vaccination schedule is available from the N.C. Immunization Branch online at **http://www.immunize.nc.gov/**.

2. Additional Requirements

All students entering seventh grade or who have reached age 12, whichever comes first, are required to receive the following:

a. A booster dose of Tdap (tetanus, diphtheria, and pertussis vaccine)if they have not previously received it: and

b. The meningococcal conjudate vaccine (MCV)

3. Certificate of Immunization

a. Evidence of immunizations must be shown in the form of a certificate furnished by a licensed physician or by the health department. A student who received immunizations in a state other than North Carolina must present an official certificate that meets the immunizations requirements of G.S. 130A-154(b)

b. Principals are required to refuse admittance to any child whose parent or guardian does not present a medical certification of proper immunizations within the allotted time. If, following approved medical practice, the administration of a vaccine requires more that 30 calendar days to complete, upon certification of this fact by a physician, additional days may be allowed in order to obtain the required immunizations.

c. Exceptions to the immunization requirements will be made only for religious reasons or for medical reasons approved by a physician pursuant to state law and regulation.

**B. HEALTH ASSESSMENT/VISION SCREENING**

Within 30 days of the first day of school entry, all kindergarten students and, beginning with the 2016-2017 school year, all students entering public schools for the first time, regardless of grade level, must furnish to the

Principal a form that meets the requirements of state law indicating that the student has received a health assessment pursuant to G.S.130A-440. A student who fails to meet this requirement will not be permitted to attend school until the require health assessment form has been presented. Such absences will not be considered suspensions, and the student will be given an opportunity to make up work missed during the absence as described below. The principal or designee shall, at the time of enrollment, notify the parent, guardian or person standing *in loco parentis* that the completed health assessment form is needed on or before the child's first day of attendance. The date the student's health assessment form is received will be recorded in the student's official record, and the form will be maintained on file in the school.

The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry.

The assessment must include a medical history and physical examination with screening for vision and hearing and, if appropriate, testing for anemia and tuberculosis. The health assessment must be conducted no more than 12 months prior to the date of school entry. Exceptions to the health assessment requirements will be made only for religious reasons.

Vision screening must comply with the vision screening standards adopted by the Governor's Commission on Early Childhood Vision Care. Within 180 days of the start of the school year, the parent of the child must present to the principal or designee certification that within the past 12

months, the child has obtained a comprehensive eye examination performed by an ophthalmologist or optometrist or has obtained a vision screening conducted by a licensed physician, an optometrist, a physician assistant, a nurse practitioner, a registered nurse, an orthoptist, or a vision screener certified by Prevent Blindness North Carolina

Children who receive and fail to pass the required vision screening must obtain a comprehensive eye exam conducted by a duly licensed optometrist or ophthalmologist. The provider of the exam must present to the parent a signed transmittal form, which the parent must submit to the school. If a member of the school staff has reason to believe that a child enrolled in kindergarten through the third grade is having problems with vision, the staff member may recommend to the child's parent that the child have a comprehensive eye examination.

No child will be excluded from attending school solely for a parent's failure to obtain a comprehensive eye exam. If a parent fails or refuses to obtain a comprehensive eye exam or to provide the certification or a comprehensive eye exam, school officials shall send a written reminder to the parent of required eye exams

Upon request, the teacher(s) of a student subject to an absence from school for failure to provide the health assessment form required by this section shall provide to the student all missed assignments, and to the extent practicable, the materials distributed to students in connection with the assignments. The principal or designee shall arrange for the student to take home textbooks and school-furnished digital devices for the duration of the absence and shall permit the student to take any quarterly, semester, or grading period examinations missed during the absence period.

### C. HOMELESS STUDENTS

Notwithstanding the provisions of this policy, admissions for homeless students will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The homeless liaison shall work with the student, parent/guardian, school personnel or other agencies to obtain documentation of immunization and/or the health assessment or to arrange for such immunizations and/or assessments in a timely manner

### D. FOSTER CHILDREN

Notwithstanding the provisions of this policy, admissions for students in foster care will not be prohibited or delayed due to the student's inability to provide documentation of immunizations or health assessments. The enrolling school will immediately contact the school last attended by the foster child to obtain any relevant documentation.

### E. CHILDREN OF MILITARY FAMILIES

The board acknowledges the immunization requirements for newly enrolling military children are governed by the Interstate Compact on Educational Opportunity for Military Children. Children of military families, as defined in policy 4050, Children of Military Families, will have 30 days from the date of enrollment or within such time as reasonably determined by the rules of the Interstate Commission to obtain any required immunization. For a series of immunizations,

initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the Interstate Commission.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6311(g)(1)(E); McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.;*G.S. 115C-390.0(1), -407.5; 130A-152 to -157, -440 to -443; 143B-216.75; 10A N.C.A.C. 41A .0401

Cross References: Children of Military Families (policy 4050), Homeless Students (policy 4125), Attendance (policy 4400)

Other References: N.C. Immunization Branch, available at http://www.immunize.nc.gov/

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: April 3, 2012
Updated: December 7th, 2015
Updated: November 7, 2016

A student who is domiciled within the geographic area served by the school system, who is under age 21, (22 for students entitled to special education services), who has not completed the prescribed courses for high school graduation, and who otherwise qualifies for admission is entitled to be admitted without payment of tuition. Under certain circumstances specified by law, a student who resides in the area served by the school system and who otherwise qualifies for admission to its schools also is entitled to be admitted without payment of tuition. In addition, students who are homeless or in foster care may be entitled to continue attending their school of origin without payment of tuition regardless of a change in their domicile or residency status.

Children with disabilities are required to meet state domicile requirements to be entitled to admission to school without payment of tuition unless they are "grandfathered" into the system under subsection C.5 below, or unless they otherwise meet one of the circumstances that entitle them to admission without payment of tuition. (See section C, below.)

## A. DOMICILE AND RESIDENCE DEFINED

Domicile requires the intent to abandon one's prior home and remain in the new location as a permanent home for an indefinite period. In contrast, a residence need not be one's exclusive home and does not require an intention that the residence be the permanent home.

## B. MEETING DOMICILE REQUIREMENTS

1. Domicile of Students **Generally**

   The domicile of a student under 18 years of age is presumed to be the domicile of his or her parents, legal guardian or legal custodian as defined by the General Statutes of North Carolina.

2. Domicile of Emancipated Students

   If a student is at least 18 years of age or married or has been abandoned by his or her parents, or if the court declares a student to be emancipated, the student may establish a domicile independent from that of his or her parents, legal guardian or legal custodian. A student who establishes domicile as a result of being emancipated is a domiciliary of the school system and will be entitled to the same rights and privileges of other students domiciled in the school district.

3. Domicile of Students with Divorced or Separated Parents

   Domicile for the purpose of school attendance will be determined by the following criteria:

   a. In the event that the parents are divorced or separated and physical custody has been given to only one parent, the **student's domicile follows that of the parent who has been granted physical custody.**

   b. If physical custody has not been determined or has been granted jointly to both parents, or if the custodial parent wishes the student to attend school in the non-custodial parent's district of residence, then **the parents must jointly agree on which residence will be used to determine the child's domicile. The selected residence must be submitted in writing to the principal**

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   c **THE SELECTION MAY NOT BE CHANGED DURING THE SCHOOL YEAR UNLESS THE PARENTS SATISFY THE BOARD'S POLICIES ON TRANSFERS AND RELEASES.**

   **In the event the parents cannot agree on which residence will be used to determine the child's domicile for school attendance purposes, the residence of the parent with physical custody of the child at the beginning of the school year will prevail.**

## C. MEETING RESIDENCE REQUIREMENTS

A student who resides in the district in any of the following circumstances will be admitted without payment of tuition.

1. The student is homeless as defined in state and federal law and policy 4125, Homeless Students. A student living with a friend or relative is not a homeless student unless he or she lives there due to conditions that constitute homelessness under state and federal statutes. A homeless student will be assigned in accordance with policy 4125, Homeless Students.

2. The parent, guardian or legal custodian residing in the school district attendance area is a student, employee or faculty member of a college or university, or is a visiting scholar at the National Humanities Center.

3. The student resides in a group home, foster home or other similar facility or institution.

4. The student resides in a pre-adoptive home following placement by a county department of social services or a licensed child-placing agency.

5. The student is considered a child with a disability by the General Statutes and the North Carolina *Policies Governing Services for Children with Disabilities*; and the child was (a) enrolled in the school system on the last day of school for the 2006-2007 school year or (b) enrolled in and attending a school in the school system on August 1, 2007, for the 2007-2008 school year, so long as the child lives within and is continuously enrolled in the system.

6. The student resides with an adult, who is a domiciliary of the school system, as a result of any of the following:

   a. The death, serious illness, or incarceration of the child's parent or legal guardian~~;~~

   b. The the abandonment by the child's parent or legal guardian of the complete control of the student as evidenced by the failure to provide substantial financial support and parental guidance~~;~~

   c. Abuse or neglect by the parent or legal guardian~~;~~

   d. The physical or mental condition of the parent or legal guardian is such that he or she cannot provide adequate care and supervision of the student~~;~~

   e. The relinquishment of physical custody and control of the student by the student's parent or legal guardian upon the recommendation of the department of social services or the Division of Mental Health~~;~~

   f. The loss or inhabitability of the student's home as a result of a natural disaster;

   g. The parent or legal guardian is one of the following: (1) on active military duty and is deployed out of the local school administrative unit in which the student resides; (2) a member or veteran of the uniformed services who is severely injured and medically discharged or retired (but only for a period of one year after the medical discharge or retirement of the parent or guardian); or (3) a member of the uniformed services who has died while on active duty or as a result of injuries sustained on active duty, but only for a period of one year after the death of the parent or guardian. For purposes of this subsection, the term "active duty" does not include

periods of active duty for training for less than 30 days. Assignment under this subsection is only available if some evidence of the deployment is tendered with affidavits required under G.S. 115C-366.

In order to be admitted under this provision, the student may not be currently under a term of suspension or expulsion from a school for conduct that could have led to a suspension or an expulsion from the local school administrative unit. The adult with whom the student resides and the student's parent, guardian, or legal custodian, if available, must complete and sign separate affidavits available through the superintendent's office attesting to information required by G.S. 115C-366(a3). If it is found that a person willfully and knowingly provided false information in the affidavit, the maker of the affidavit will be guilty of a Class 1 misdemeanor and will pay to the board an amount equal to the cost of educating the student during the period of enrollment. Repayment will not include state funds.

**D. STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM**

In determining whether a student meets the domicile or residence requirements of this policy, school personnel shall consider the actual address of a participant in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6303 *et seq.;* Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., 34 C.F.R pt. 300; McKinney Vento Homeless Assistance Act. 42 U.S.C. 11431 *et seq.; Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016);G.S. 7B, art. 35, 35A, art 6; 15C-8(i); 50-13.1 to 13.3; 115C-106.3, -107.6, - 108.1(a), -366, -407.5; State Board of Education Policy GCS-D-000; *Policies Governing Services for Children with Disabilities, available at* *http://ec/ncpublicschools.gov/policies/nc-policies-governing-services-for-children-with-disabilities*

Cross References: Student and Parent Grievance Procedure (policy 1740/4010), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316)
Adopted: April 10, 2000
Updated: May 4, 2009

Updated: March 2, 2010
Updated: June 3, 2014
Updated: November 7, 2016

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

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

## A. DEFINITION OF HOMELESS STUDENTS

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

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

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

3. living in emergency or transitional shelters;

4. abandoned in hospitals ~~or awaiting foster care placement~~;

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

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

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

## B. HOMELESS LIAISON

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

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

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

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

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

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

6. ensuring that public notice of the educational rights of homeless students is disseminated in locations frequented by parents or guardians and unaccompanied youth ~~where these students and families receive other support services~~;

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

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

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

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

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

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

## C. ACCESS TO STUDENTS' RECORDS

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

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

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

## D. ENROLLMENT

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

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

1. ~~The age of the student:~~
2. ~~The distance of the commute and its impact on the student's education;~~
3. ~~Personal safety issues;~~
4. ~~The student's need for special instruction (such as special and related services);~~
5. ~~The length of any anticipated stay in a temporary shelter or other temporary location; and~~

6. ~~The time remaining in the school year.~~

If the superintendent's designee determines that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian or unaccompanied youth ~~assigns a student to a school other than the one requested by the parent or guardian~~, he or she must provide a written explanation of the reasons for the determination to the parent or guardian or unaccompanied youth, along with information regarding the right to appeal the placement decision ~~and referral to the homeless liaison~~.

## E. ENROLLMENT DISPUTE RESOLUTION

The school system will implement an enrollment dispute resolution process that is consistent with the process required by the State Board of Education in the North Carolina Administrative Code, ~~Section~~ 16 N.C.A.C. 6H .0112.

1. Initiation of the Dispute and Stay Put

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

   a. The homeless student will be immediately admitted to the school in which enrollment is sought, will receive all services for which he or she is eligible, and will be allowed to participate fully in school activities, pending resolution of the dispute.

   b. The unaccompanied youth or parent or guardian of the student will be provided a written explanation of the school's decision regarding the enrollment, including the right to appeal the decision. Such information must be provided in a language that the parent or guardian or unaccompanied youth can understand. The information must contain:

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

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

      3) a simple form that parents or guardians or unaccompanied youth can complete and submit to the homeless liaison to initiate the dispute resolution process;

      4) a step-by-step description of how to dispute the school's decision;

5) notice of the right to enroll immediately in the school of choice or remain in the school of origin with transportation provided pending resolution of the dispute;

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

7) notice of the right to obtain assistance of advocates or attorneys.

c. The student or parent or guardian will be referred to the system's homeless liaison, who shall carry out the appeal process as expeditiously as possible after receiving notice of the dispute.

2. Homeless Liaison Review

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

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

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

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

a. Within five school days of receiving the liaison's decision, the complainant may appeal the decision to the superintendent in writing. The homeless liaison shall ensure that the superintendent receives copies of the written complaint and the response.

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

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

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

   If the complainant is dissatisfied with the superintendent's decision, he or she may file a written appeal with the board of education. The board will provide the complainant with a written decision within 30 days of receiving the appeal. The board's decision will constitute the final decision of the school system. The written statement of the board's opinion will include the name and contact information of the State coordinator for homeless education and will describe the appeal rights to the State coordinator.

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

   If the complainant is dissatisfied with the action taken by the board of education, he or she may file an appeal with the State coordinator for homeless education, who will issue a final decision on the complaint. Within five school days following a request from the State coordinator, the homeless liaison shall provide the record of complaint and a copy of the board's decision along with any other information requested regarding issues in the appeal.

## F. TRANSPORTATION

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

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

## G. TITLE I

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

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

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

Adopted: May 4, 2009
Updated: November 7, 2016

# TUITION FOR DISCRETIONARY ADMISSIONS

*Policy Code: REVISED* **4135**

Unless provided otherwise in this policy, tuition will be charged to students admitted under policy 4130, Discretionary Admission, if the students (1) are not domiciled in the State or (2) are domiciled in the State and residing outside of the school system boundaries. Tuition ~~will equal~~ may not exceed the local per pupil allocation for current expense as provided by the board of commissioners ~~from the preceding year~~. The tuition rate will be determined annually by the board no later than August 1.

Tuition may be waived if a student meets one of the following criteria:

1. the student is admitted to the school system pursuant to an agreement between this board and another board of education, and the agreement specifies that the payment of tuition by the student will not be required;

2. the student resides on a military base within North Carolina;

3. the student demonstrates extraordinary financial hardship;

4. the student is a nonresident whose parents will move into the school administrative unit on or before December 1, and the student is assigned at the beginning of the school year to the school serving the student's future domicile;

5. the student was domiciled within the school administrative unit at the beginning of the school year and remains enrolled in the school system for the duration of the school year after moving into another school administrative unit during the school year; or

6. the student's parent(s) are employed by the school system.

In addition, no tuition will be charged to:

1. students residing on military bases within North Carolina where federal funds designed to compensate for the impact on public schools of military dependent students are provided to the school system in an amount not less than 50 percent of the total per capita cost for education, exclusive of capital outlay and debt service; or

2. students who are domiciliaries of the State and who reside within the school administrative unit. However, the board may enter an agreement with the board of education of the student's domicile for payment of tuition by that board.

Legal References: G.S. 115C-366, -366.1

Cross References: Discretionary Admission (policy 4130)

Adopted: June 6, 2016
Updated: November 7, 2016

## A. ASSIGNMENT AREAS

The superintendent shall recommend to the board school assignment areas for the schools in the district.

The assignment areas shall be developed in accordance with state requirements and court rulings; the need to serve all school-age children who live in the school district; and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

The superintendent will review periodically the attendance areas and submit recommendations for revisions to the board when necessary.

## B. ASSIGNMENT OF STUDENTS

The superintendent shall assign students to particular schools based upon the established assignment areas. Notwithstanding the provisions of this policy, the superintendent shall (1) assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students;. and (2) assign students in foster care to their school of origin unless contrary to their best interest, as required by federal law.

Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

## C. REQUESTS FOR REASSIGNMENT

1. Procedure for Requesting Reassignment Before Notice of Assignment

   Before notice is given of assignment for the following school year, parents or guardians may request assignment to a school outside of their regular attendance area. Such a request must be submitted in writing to the superintendent by June 1. The superintendent shall consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested and the instruction, health and safety of the pupils there enrolled. A decision will be made and the parent notified by June 30. If the parent is dissatisfied with the superintendent's response, the parent may request the board to reassign the student as provided below.

2. Procedure for Requesting Reassignment After Notice of Assignment

Within 10 days of notice of the assignment or the last publication thereof, the parent may request the reassignment of the child to a different public school. The request must specify the reason why reassignment is sought. If the application for reassignment is disapproved, the board will give notice to the applicant by registered or certified mail.

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested and the instruction, health and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, email, or any other method reasonably designed to achieve notice.

## D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

Students whose legal residence may change from one school assignment area to another within the school system during the same school year may choose to finish out that school year in the same school, or attend school in the area to which they have moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation. If academics, behavior or attendance becomes a problem the student may be returned to the school in their assigned district.

1. Unsafe School Choice Transfer under the ~~No Child Left Behind Act~~ Elementary and Secondary Education Act

2.

Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of

Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. Transfer of Homeless Students

Students who become homeless between academic years or during an academic year may request to remain at the school of origin for the duration of their homelessness or may request to be enrolled in any public school that other students living in the same attendance area are eligible to attend. Any decision about the transfer or reassignment of a homeless student will be consistent with legal requirements and based on the student's best interest. (See policy 4125, Homeless Students.)

4. Transfer of Students in Foster Care

Students who are assigned to foster care between academic years or during an academic year will remain in their school of origin unless remaining in the school of origin is not in the best interest of the student. The best interest of the student will be decided based on all relevant factors, including consideration of the appropriateness of the educational setting and proximity to the school in which the child is enrolled at the time of placement in foster care.

5. Other Transfers

The superintendent shall consider student requests for transfer to another school during the school year based upon space availability, the needs of the child, the effect on the school to which transfer is requested, principal recommendations, and other criteria established by the superintendent.

## E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

The following conditions apply in regard to any reassignments or transfers made in accordance with Sections C and D of this policy.

1. The parent is responsible for transportation (except for homeless student transfers and transfers of students in foster care based on the student's best interest, for which the system will provide transportation in a manner consistent with legal requirements and policy 4125.

2. The transfer or reassignment is valid for no more than one school year for out of county transfers and for (a) unsafe school choice transfers, for which the length of reassignment will be consistent with legal requirements and policy 4152 and (b) homeless student transfers for which the system will provide transportation in a manner consistent with legal requirements and policy 4125). Students transferring from one school to another the within the district are approved for continuous enrollment throughout the highest grade in that school provided all admission criteria, including tuition payment, if required continues to be met and the student remains in good standing in terms of academics, discipline, and progress. Students must reapply at middle and high school level if the school is not in their attendance district.

3. Any transfer request that is approved based upon false or misleading information will be declared void and the transfer will be rescinded.

## F. ASSIGNMENT TO ALTERNATIVE SCHOOL

Students shall be assigned to the alternative school in accordance with board policy 3470/4305, Alternative Schools.

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq*; ~~No Child Left Behind Act~~ Elementary and Secondary Education, 20 U.S.C. 6301 *et seq*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016); *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016);*Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004); ~~U.S. Department of Education approval of Elementary and Secondary Education Act (ESEA) Flexibility Request (May 29, 2012);~~ G.S. 15C-8; G.S. 115C-36, -366, -367, -369; State Board of Education Policy SS-A-006

Cross References: Alternative Schools (policy 3470/4305), Unsafe School Choice Transfer (policy 4152, North Carolina Address Confidentiality Program (policy 4250/5075/7316)

Adopted: April 10, 2000
Updated: May 4, 2009
Updated: April 3, 2012
Updated: January 14, 2013
Updated: November 7, 2016

All student records must be current and maintained with appropriate measures of security and confidentiality. The principal is responsible for complying with all legal requirements pertaining to the maintenance, review, and release of records retained at the school.

## A. ANNUAL NOTIFICATION OF RIGHTS

The superintendent or designee shall provide eligible students and parents with annual notification of their rights under the Family Educational Rights and Privacy Act (FERPA). The notice must contain all information required by federal law and regulations, including the following:

1. the right to inspect and review the student's educational records and the procedure for exercising this right;

2. the right to request amendment of the student's educational records that the parent or eligible student believes to be inaccurate, misleading, or in violation of the student's privacy rights; and the procedure for exercising this right;

3. the right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent;

4. the type of information designated as directory information and the right to opt out of release of directory information;

5. that the school system releases records to other institutions that have requested the information and in which the student seeks or intends to enroll;

6. the right to opt out of releasing the student's name, address, and phone number to military recruiters or institutions of higher education that request such information;

7. a specification of the criteria for determining who constitutes a school official and what constitutes a legitimate educational interest if a school official discloses or intends to disclose personally identifiable information to school officials without consent;

8. notification if the school system uses contractors, consultants, volunteers, or similar persons as school officials to perform certain school system services and functions that it would otherwise perform itself; and

9. the right to file complaints with the Family Policy Compliance Office in the U.S. Department of Education.

School officials are not required to individually notify parents or eligible students of their rights but must provide the notice in a manner reasonably likely to inform the parents and eligible students of their rights. Effective notice must be provided to parents or eligible students with disabilities or those whose primary or home language is not English.

## B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

For purposes of this policy, the term "parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian. If the parents of a student are separated or divorced, both parents have the right to access the student's records as provided in this policy, unless the school system has been provided with evidence that there is a court order, state statute, or other legally binding document that specifically revokes these rights.

2. Eligible Student

For purposes of this policy, an eligible student is a student who has reached 18 years of age or is attending an institution of postsecondary education. The rights afforded to parents under this policy transfer to an eligible student. However, parents may still have access to the records as long as the student is claimed as a dependent by the parent for federal income tax purposes. An eligible student who desires to prevent access to records by his or her parents must furnish to the principal information verifying that the student is not a dependent of his or her parents. If a parent of a student who is at least 18 and no longer attending a school within the system wishes to inspect and review the student's records, he or she must provide information verifying that the student is a dependent for federal income tax purposes.

A student under age 18 may have access to student records only upon the consent of his or her parents.

## C. CLASSIFICATION AND MAINTENANCE OF RECORDS

Information about students that is collected and stored by school personnel may be separated into several categories, including, but not limited to, the following records.

1. Cumulative Records

The cumulative record is the official record for each student. The cumulative record includes student identification information, such as the student's name, address, (or a homeless student's living situation) sex, race, birthplace, and birth date; family data including the parents' names, addresses, work and home telephone numbers, and places of employment; academic work completed; grades; standardized test scores; health screenings and immunization documentation; attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

2. Discipline Records

Student discipline records are part of the student's official record and must be maintained and reviewed pursuant to policy 4345, Student Discipline Records. Discipline records must be expunged and forwarded pursuant to the requirements of law and the procedures of policy 4345.

3. Records of Students with Disabilities

Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act and policy 3520, Special Education Programs/Rights of Students with Disabilities. Records for a student identified as a student with a disability are considered part of the student's official records and must be maintained in accordance with all appropriate federal and state regulations. Access to these records will be restricted to personnel having specific responsibility in this area. A list of all approved personnel having access to these restricted files will be updated as needed, and a current, dated list will be posted in the student records location.

4. Records Received from the Department of Social Services

The Department of Social Services may disclose confidential information to the school system in order to protect a juvenile from abuse or neglect. Any confidential information disclosed under these circumstances must remain confidential and may only be redisclosed for purposes directly connected with carrying out the school system's mandated educational responsibilities.

5. Juvenile Records

Juvenile records include documentation or information regarding students who are under the jurisdiction of the juvenile court. These records may be received from local law enforcement and/or other local agencies authorized to share information concerning juveniles in accordance with G.S. 7B-3100. These records also may include notice from the sheriff to the board that a student has been required to register with the sheriff because the student has been found to be a danger to the community under G.S. Chapter 14, Part 4. Such documents must not be a part of a student's official records but must be maintained by the principal in a safe, locked storage area that is separate from the student's other records. The principal shall not make a copy of such documents under any circumstances.

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

The principal or designee must destroy juvenile documents if he or she receives notification that a court no longer has jurisdiction over the student or if the court grants the student's petition for expunction of the records. The principal or designee shall destroy all other information received from an examination of juvenile records when he or she finds that the information is no longer needed to protect the safety of or to improve the educational opportunities for the student or others. If the student graduates, withdraws from school, transfers to another school, is suspended for the remainder of the school year, or is expelled, the principal shall return all documents not destroyed to the juvenile court counselor. If the student is transferring, the principal shall provide the juvenile court counselor with the name and address of the school to which the student is transferring.

6. Other Student Records

School system personnel may also keep other student records but must review such records annually and destroy them when their usefulness is no longer apparent or when the student leaves the school system.

7. Sole Possession, Employment, and Law Enforcement Records

Student records do not include, and release of information under this policy does not apply to:

a. records made by teachers, counselors, and administrators that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute;

b. employment records of student employees if those records relate exclusively to the student in his or her capacity as an employee and are not made available for any other use; and

c. records created by a law enforcement unit of the school system if created for a law enforcement purpose and maintained solely by the law enforcement unit of the school system. This does not include information obtained from the student's confidential file or other educational records that is contained in a law enforcement record.

## D. RECORDS OF STUDENTS PARTICIPATING IN THE NORTH CAROLINA ADDRESS CONFIDENTIALITY PROGRAM

Records of students participating in the North Carolina Address Confidentiality Program must show only the substitute address provided by the Address Confidentiality Program and must not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.

When transferring the record of a student participating in the North Carolina Address Confidentiality Program to a school outside of the system, the transferring school may send the files to the Address Confidentiality Program participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program.

## E. RECORDS OF MISSING CHILDREN

Upon notification by a law enforcement agency or the North Carolina Center for Missing Persons of the disappearance of a child who is currently or was previously enrolled in the school, school officials shall flag the record of that child. If the missing child's record is requested by another school system, the principal shall provide notice of the request to the superintendent and the agency that notified the school that the child was missing. The principal shall provide the agency with a copy of any written request for information concerning the missing child's record.

Any information received indicating that a student transferring into the system is a missing child must be reported promptly to the superintendent and the North Carolina Center for Missing Persons.

## F. RECORDS OF MILITARY CHILDREN

School administrators shall comply with any regulations pertaining to the records of military children developed by the Interstate Commission on Educational Opportunity for Military Children.

In addition, children of military families, as defined by policy 4050, Children of Military Families, are entitled to the following.

1. For Students Leaving the School System

   In the event that official education records cannot be released to the parents of military children who are transferring away from the school system, the custodian of records shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission.

   When a request for a student's official record is received from the student's new school, school officials shall process and furnish the official records to the student's new school within 10 days or within such time as is reasonably determined by the Interstate Commission.

2. For Students Enrolling in the School System

   Upon receiving an unofficial education record from the student's previous school, school administrators shall enroll the student and place him or her in classes as quickly as possible based on the information in the unofficial records, pending validation by the official records.

   Simultaneous with the enrollment and conditional placement of the student, school administrators shall request the student's official record from his or her previous school.

## G. REVIEW, RELEASE OF RECORDS TO PARENT OR ELIGIBLE STUDENT

A parent or eligible student may access the student's records upon proper request. The principal or guidance office personnel of the student's school shall schedule an appointment as soon as possible but no later than 45 days after the request by the parent or eligible student. The parent or eligible student may formally review the student's complete records only in the presence of the principal or a designee competent to explain the records. School personnel shall not destroy any educational records if there is an outstanding request to inspect or review the records.

A parent or eligible student has the right to challenge an item in the student record believed to be inaccurate, misleading, or otherwise in violation of the student's privacy rights. The principal shall examine a request to amend a student record item and respond in writing to the person who challenges the item. Subsequent steps, if necessary, will follow the student grievance procedures as provided in policy 1740/4010, Student and Parent Grievance Procedure. If the final decision is that the information in the record is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the principal shall inform the parent or eligible student of the right to place a statement in the record commenting on the contested information in the record or stating why he or she disagrees with the decision of the school system.

## H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

Before releasing or disclosing records as permitted by law, school officials shall use reasonable methods to identify and authenticate the identity of the party to whom the records are disclosed.

1. Release/Disclosure with Parental Consent

   School officials shall obtain written permission from a parent or eligible student before releasing or disclosing student records that contain personally identifiable information, except in circumstances where the school system is authorized by law to release the records without such permission. The written permission must specify the records to be released, the purpose of the release, and the party(ies) to whom they are to be released.

2. Release/Disclosure without Parental Consent

   School system officials shall promptly release student records when a student transfers to another school. The records custodian may release or disclose records with personally identifiable information without parental permission to the extent permitted by law, including to other school officials who have a legitimate educational interest in the records.

   When personally identifiable information from a student's record is released or disclosed without prior written consent of the parent or eligible student, the party to whom the information is released must agree not to disclose the information to any other party without the prior consent of the parent or eligible student. This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.

   The superintendent shall employ reasonable methods to ensure that teachers and other school officials obtain access only to those educational records in which they have legitimate educational interests.

3. Release of Directory Information

   Permission of the parent or eligible student is not required for the release of information that is designated as directory information by the board, provided that the parent or eligible student has been given proper notice and an opportunity to opt out. (See policy 1310/4002, Parental Involvement.)

   a. The board designates the following student record information as directory information:

      (1) name;

      (2) address;

      (3) telephone listing;

      (4) electronic mail address;

(5) photograph;

(6) date and place of birth;

(7) participation in officially recognized activities and sports;

(8) weight and height of members of athletic teams;

(9) dates of attendance;

(10) grade level;

(11) diplomas (including endorsements earned), industry credentials/ certifications, and awards received; and

(12) most recent previous school or education institution attended by the student.

b. The telephone number and actual address of a student who is or whose parent is a participant in the North Carolina Address Confidentiality Program is not considered directory information and will not be released.

c. Information about a homeless student's living situation is not considered directory information and will not be released.

d. As required by law, the names, addresses, and telephone numbers of secondary school students shall be released, upon request, to military recruiters or institutions of higher learning, whether or not such information is designated directory information by the school system. Students or their parents, however, may request that the student's name, address, and telephone number not be released without prior written parental consent. School officials shall notify parents of the option to make a request and shall comply with any requests made.

e. All requests for directory information must be submitted to the superintendent or designee for approval. The superintendent is directed to establish regulations regarding the release of directory information. At a minimum, the regulations must:

(1) specify the types of organizations that are eligible to receive directory information and for what purposes;

(2) provide for equal disclosure to organizations that are similar in purpose; and

(3) authorize access to directory information to recruiters of military forces of the state or United States for the purpose of informing students of educational and career opportunities available in the military to the same extent that such information is made available to persons or organizations that inform students of occupational or educational options.

4. Records of Students with Disabilities

   Students with recognized disabilities must be accorded all rights in regard to their records as provided by state and federal law, including the Individuals with Disabilities Education Act.

5. Disclosure of De-Identified Information

   Education records may be released without consent of the parent or eligible student if all personally identifiable information has been removed. Personally identifiable information includes both direct and indirect identifiers that, alone or in combination, would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

   Unless specifically permitted by law, records that have been de-identified must not be released without the consent of the parent or eligible student if school officials reasonably believe that the person requesting the information knows the identity of the student to whom the education record relates.

## I. WITHHOLDING RECORDS

School system administrators shall not withhold records upon a valid request by a parent, eligible student, or school to which the student is transferring for any reason, including in order to collect fines assessed to the parent or student.

## J. RECORD OF ACCESS AND DISCLOSURE

The principal or designee shall maintain a record in each student's file indicating all persons who have requested or received personally identifiable information from a student's record and the legitimate reason(s) for requesting or obtaining the information. This requirement does not apply to requests by or disclosure to parents, eligible students, school officials, parties seeking directory information, a party seeking or receiving the records under a court order or subpoena that prohibits disclosure, or those individuals with written parental consent.

## K. DESTRUCTION OF STUDENT RECORDS

School officials shall only destroy student records in accordance with state and federal law and the *Records Retention and Disposition Schedule for Local Education Agencies*. After notifying parents, school officials may destroy student records when the records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials must destroy student records if the parent or eligible student requests their destruction and if such records are no longer needed to provide educational services to the student or to protect the safety of the student or others. School officials shall not destroy student records if there is an outstanding request to inspect the particular records.

## L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and

all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; ~~No Child Left Behind~~ *Elementary and Secondary Education* Act, 20 U.S.C. 7908; *McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 et seq.*; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Special Education Programs/Rights of Students with Disabilities (policy 3520), Children of Military Families (policy 4050), Homeless Students (policy 4125), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Disciplinary Action for Exceptional Children/Students with Disabilities (policy 4307), Student Discipline Records (policy 4345), Confidentiality of Personal Identifying Information (policy 4705/7825), Surveys of Students (policy 4720), Public Records – Retention, Release, and Disposition (policy 5070/7350)

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

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

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

## A. POLICIES

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

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

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

## B. SCHOOL ADMINISTRATORS

School administrators shall:

1. demonstrate a commitment to working with the community;
2. identify appropriate opportunities for community input;
3. communicate to the public the goals and objectives of the school system and the progress of the school system in meeting those goals and objectives; and

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

Legal References: ~~No Child Left Behind Act of 2001~~, Elementary and Secondary Education Act, 20 U.S.C.6301 ~~6318~~; G.S. 115C-12(9)c3, -36, -47, -83.10, -105.25(c); *Leandro v. State*, 346 N.C. 336 (1997)

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

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

The board is committed to the safety of students and other persons on school property. In order to maintain a safe school environment, the superintendent and all school personnel shall enforce the provisions of this policy at all times.

## A. REGISTERED SEX OFFENDERS BANNED FROM ALL SCHOOL PROPERTY

In accordance with G.S. 14-208.18, all persons who (1) are required to register under the Sex Offender and Public Protection Program AND (2) have been convicted of any offense in Article 7~~A~~B of Chapter 14 of the General Statutes (b) any federal offense or offense committed in another state, which if committed in this state, is substantially similar to an offense in Article ~~A~~B, or (c) any offense in which the victim was under the age of ~~16~~18 years at the time of the offense are expressly forbidden to knowingly be present on any property owned or operated by the school system, including school buildings, athletic fields, playgrounds, parking lots, school buses, activity buses or other property of any kind for any reason, including attendance at sporting events or other school-related functions, whether before, during or after school hours. In addition, sex offenders subject to G.S. 14-208.18 may not attend or be present at any student function or field trip on or off school property that is (1) school-sponsored or (2) otherwise under the official supervision or control of school personnel. This policy applies to all covered sex offenders regardless of their relationship to or affiliation with a student in the school system. (Refer to the North Carolina Attorney General's publication *The North Carolina Sex Offender & Public Protection Registration Program,* p.13, for a description of which offenders are subject to G.S. 14-208.18 and thus, this policy.)

## B. ENFORCEMENT

All school personnel must immediately report to a school administrator the presence or suspected presence of a known or suspected registered sex offender on school property. School administrators and other supervisory personnel shall report to the superintendent and law enforcement when they reasonably believe that a registered sex offender is or has been on school property or at a school event.

School administrators also shall notify the superintendent or designee of any known student or parent or guardian of a student at their school who is suspected to be a registered sex offender.

## C. EXCEPTIONS

A person who is banned from school property under G.S. 14-208.18 may be on school property only under the following circumstances.

1. Students

   Students who are subject to G.S. 14-208.18 may be on school property only in accordance with policy 4260, Student Sex Offenders.

2. Voters

   Voters who are subject to G.S. 14-208.18 and are eligible to vote may be present on

school property for the sole purpose of voting if the school property is being used as a voting place. The voter must notify the principal of the school that he or she is registered under the Registry Program and the voter must remain at all times in the portion of the school being used as the polling place. The voter must leave school grounds immediately after voting.

3. Parents or Guardians

   a. An individual who is subject to this policy and is the parent or guardian of a student enrolled in school may be on school property only for the following reasons:

      1) to attend a scheduled conference with school personnel to discuss the child's academic or social progress; or

      2) at the request of the principal or designee, for any reason relating to the welfare or transportation of his or her child.

   b. For each visit authorized by the principal in accordance with subsection (a) above, the parent or guardian must provide the principal with prior written notice of his or her registration on the Sex Offender Registry and notice of his or her presence at school. Notice of his or her presence at school includes the nature and specific times of the visit.

   c. For each visit authorized by subsection (a) above, the parent or guardian must arrange to meet a staff member at the edge of school property, check in at the principal's office upon arrival and departure, and remain under the direct supervision of school personnel at all times. If school personnel are not available to supervise the parent or guardian during any visit, then the parent or guardian will not be permitted to enter or remain on school property.

   d. For each visit authorized by subsection (a) above, the parent or guardian must comply with all reasonable rules and restrictions placed upon him or her by the principal, including restrictions on the date, time, location and length of meeting.

**D. CONTRACTUAL PERSONNEL**

In order to ensure compliance with this policy, each contract executed by the board must include a provision that requires the other party to the contract to conduct an annual check of the State Sex Offender and Public Protection Program and the State Sexually Violent Predator Registration Program on all employees who may be sent to perform tasks on or deliver products to school property. Persons who are subject to Section A of this policy may not be sent onto school property for any reason.

In addition, each time the board enters into any contract or agreement for contracted services that involve direct interaction with children, the contract must include a provision that requires the other party to the contract to conduct an annual check of the National Sex Offender Registry on all contracted employees who may have direct contact with children.

No contractor or employee of a contractor registered with the State Sex Offender and Public

Protection Program, the State Sexually Violent Predator Program or the National Sex Offender Registry may have direct interaction with children. This provision applies to contracts with a single individual.

Legal References: G.S. ch. 14, art. 7~~A~~B, 14-208.18, -208.19; 115C-332, -332.1

Cross References: School Safety (policy 1510/4200/7270), Student Sex Offenders (policy 4260), Visitors to the Schools (policy 5020), Recruitment and Selection of Personnel (policy 7100)

Other References: *The North Carolina Sex Offender & Public Protection Registration Programs,* North Carolina Department of Justice (September 2014), available at **http://ncdoj.gov/Protect-Yourself/Find-Sex-Offenders/SexOffenderRegPrograms.aspx**

Adopted: January 12, 2009
Updated: December 9, 2013
Updated: June 1, 2015
Updated: December 7th, 2015
Updated: November 7, 2016

The board of education is committed to providing a safe school environment that is free from violence, to the maximum extent possible. Employees, ~~students~~, visitors, and other persons are prohibited from possessing, carrying, using, or threatening to use, or encouraging another person to possess, carry, use, or threaten to use, weapons or explosives on school property or while attending curricular or extracurricular activities sponsored by the school system. This policy applies to weapons or explosives carried openly or concealed. This policy does not apply to students. Student conduct related to weapons and explosives is governed by policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.

Any employee who violates this policy will be subject to immediate termination. Any visitor or other person who violates this policy will be escorted from the premises and/or school activity immediately. The superintendent or principal shall immediately report any violation of this policy to law enforcement officials. Any employee who is aware that a weapon or explosive is present on school property or at a school event in violation of this policy must immediately report this information to the principal or designee or the school resource officer as appropriate.

~~Students who violate this policy are subject to discipline as provided in policy 4333, Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety.~~

## A. WEAPONS AND EXPLOSIVES DEFINED

For purposes of this policy, a weapon includes, but is not limited to, any gun, rifle, pistol, or other firearm of any kind; any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors, and razor blades (except solely for personal shaving), or fireworks; ~~any~~ sharp-pointed or -edged instrument, except instructional supplies, unaltered nail files, and clips and tools used solely for the preparation of food, instruction, and/or maintenance on educational property; and mace, pepper spray, and other personal defense sprays. For purposes of this policy, an explosive includes, but is not limited to, any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1.

## B. SCHOOL PROPERTY

For purposes of this policy, school property is any school building or bus, school campus, grounds, recreational area, athletic field, or other property owned, used, or operated by the board of education.

Legal References: G.S. 14-69.2, -269, -269.2, -284.1; 20-17; 115C-47(61), -288(g)

Cross References: Weapons, Bomb Threats, Terrorist Threats, and Clear Threats to Safety (policy 4333)

Adopted: April 10, 2000
Updated: January 19, 2011
Updated: June 6, 2016
Updated: November 7, 2016

The board intends to comply fully with all licensure requirements of the ~~No Child Left Behind Act of 2001 (NCLB)~~Elementary and Secondary Education Act, state law, and State Board of Education policies.

## A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

1. Except as otherwise permitted by the State Board of Education or state law, ~~provided below,~~ a professional employee must hold at all times a valid North Carolina license appropriate to his or her ~~the~~ position ~~in which he or she is employed~~.

~~1.~~2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy. In addition, all professional teachers employed to teach core academic subjects must be "highly qualified" as required by the State Board of Education~~NCLB~~. Core academic subjects include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

3. The board encourages lateral entry into the teaching profession by skilled individuals from the private sector who meet state licensing requirements.

## B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Emergency Permit to Practice

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

2. Adjunct CTE Instructors

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

## ~~A.~~C. BEGINNING TEACHER SUPPORT PROGRAM

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

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

## ~~B.~~D. LICENSE CONVERSION

~~The superintendent or designee shall designate a school official in the Beginning Teacher Support Program plan to be responsible for approving the acceptance of all continuing (Standard Professional 2) licenses automatically converted from the initial (Standard Professional 1) license. The designated official shall reject an automatic conversion license and immediately notify DPI if (1) the teacher has not taught three years; or (2) the official has knowledge of any reason related to conduct or character to deny the individual teacher a continuing license.~~

~~Beginning teachers must be rated "Proficient" on North Carolina Professional Teaching Standards I through V on the most recent Teacher Summary Rating Form in order to be eligible for the Standard Professional 2 License.~~

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

## ~~C.~~E. LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of the next school year. A teacher whose license has expired is subject to dismissal.

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

Decisions regarding the employment of teachers who fail to meet the required proficiency standard for renewal of a continuing license will be made in accordance with state law G.S.

115C-296(b)(1)b.4 and applicable State Board of Education requirements.

## ~~D.~~F. PARENTAL NOTIFICATION

At the beginning of each school year, the school system ~~shall~~ will notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC licensing requirements for the subject or grade level they are teaching; whether the teacher has had any licensure requirements waived; ~~what the teacher's bachelor degree major(s) is/are; what other degrees and teaching license area(s) the teacher holds~~whether the teacher is teaching in the field of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

The school system ~~shall~~ will give notice within 10 school days to the parents of children who, after four consecutive weeks, have been taught a core academic subject by a teacher who is not highly qualified.

## ~~E.~~G. EQUITABLE DISTRIBUTION OF ~~HIGHLY QUALIFIED~~ TEACHERS

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

Legal References: ~~No Child Left Behind Act~~Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; ~~20 U.S.C. 6319; 20 U.S.C. 7801(11);~~ G.S. 115C-296, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies TCP-A-000, -001, -004, -005, -016, -018, -021, TCP-C-004

Cross References:

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: December 6, 2011
Updated: April 3, 2012
Updated: June 2, 2014
Updated: November 7, 2016

# DRUG AND ALCOHOL TESTING OF COMMERCIAL MOTOR VEHICLE OPERATORS

*Policy Code: REVISED* **7241**

The purposes of this policy are to help ensure the safe operation of school vehicles and to comply with federal law and regulations by establishing a comprehensive program ~~of~~ for drug and alcohol testing of school bus drivers and all other commercial motor vehicle operators employed by the board of education.

## A. APPLICABILITY

This policy applies to any driver which, for purposes of this policy,~~Persons subject to this policy include~~ is defined as any employee, volunteer or independent contractor who operates a commercial motor vehicle in the course of his or her duties for the board of education, including anyone who regularly or intermittently drives a school bus, an activity bus, or ~~other~~a vehicle designed to transport 16 or more people, including the driver, or any other vehicle that meets the definition of commercial motor vehicle under federal law or regulation. Employees who operate vehicles for inspection, service, or maintenance purposes are included in this definition.

## B. PROHIBITED ACTS

No driver may:

1. operate any school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body, in violation of G.S. 20-138.2B;

2. use alcohol while performing safety-sensitive functions;

3. perform safety-sensitive functions within four hours after using alcohol;

4. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any Schedule I drug or substance; or

5. report for or remain on duty requiring the performance of safety-sensitive functions when the driver uses any non-Schedule I drug or substance, unless such use is pursuant to the instructions of a licensed medical practitioner who is familiar with the driver's medical history and has advised the driver that use of the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle.

Safety-sensitive functions include, but are not limited to, inspecting, servicing, or conditioning any commercial motor vehicle; operating any commercial motor vehicle; participating in or supervising the loading or unloading of a commercial motor vehicle; and repairing, obtaining assistance for, or remaining in attendance upon a disabled vehicle.

~~Commercial motor vehicle operators employed by the board must not be impaired by alcohol or by a prescription or nonprescription drug while on duty or while operating any motor vehicle. For the purposes of this policy, an employee is considered impaired by alcohol in all cases in which testing reveals a blood alcohol content of 0.02 Further, no driver will be permitted to perform safety-sensitive functions if evidence exists of his or her alcohol consumption.~~ In addition~~, commercial motor vehicle operators,~~ drivers and anyone who supervises ~~commercial motor vehicle operators~~ drivers must not commit any act prohibited by federal law, including "Controlled Substances and Alcohol Use and Testing" (49 C.F.R. pt. 382) (hereinafter referred to as Part 382), ~~by this policy~~ or by policy 7240, Drug-Free and Alcohol-Free Workplace. ~~No driver may operate may school bus or school activity bus while consuming alcohol or while alcohol remains in the driver's body in violation of G. S. 20-138.2B..~~

## C. TESTING

The transportation department will carry out pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing for drugs and alcohol as required by Part 382. ~~School bus drivers and others employed by the board for the primary purpose of operating a commercial motor vehicle must undergo pre-employment testing. Employees whose duties include occasional driving will not be subject to pre-employment testing but must undergo all other testing required by Part 382.~~

Federal regulations prohibit a driver who is tested under the provisions of this section and found to have an alcohol concentration of at least .02 from performing safety-sensitive functions for at least 24 hours following administration of the test. Drivers who are tested under the provisions of this section and found to have any alcohol in their system are subject to additional discipline under this policy, including dismissal.
~~All employees must undergo drug and alcohol testing before driving a commercial motor vehicle for the board of education.~~

## D. PRE-EMPLOYMENT INQUIRY

All applicants who would be subject to this policy if employed by the board must consent in writing to the release of any information gathered pursuant to Part 382 by any of the applicant's previous employers.

Before employing any applicant subject to this policy or Part 382, the administration shall obtain, pursuant to the applicant's written consent, all records maintained by the applicant's previous employer of prohibited acts committed by the applicant in the two years prior to the inquiry date.

## E. TRAINING AND EDUCATION

Each ~~commercial motor vehicle operator~~ driver and supervisory employee, including principals and assistant principals, must be provided with educational materials that inform the employees of drug testing procedures, prohibited acts, consequences and other aspects of Part 382, this policy and any accompanying administrative procedures. The information also will identify a school district employee who is responsible for providing information on substance abuse. Each employee must sign a statement certifying his or her receipt of these materials.

Each supervisor who is responsible for overseeing the performance of ~~commercial motor vehicle operators~~ drivers, including principals and assistant principals, must undergo at least one hour of training concerning alcohol misuse and one additional hour of training concerning drug abuse.

## F. REFERRALS

Each ~~motor vehicle operator~~ driver who commits acts prohibited by Part 382 or G.S. 20-138.2B, other than provisions governing pre-employment testing, will be provided with information concerning resources available for evaluating and resolving drug or alcohol misuse. This information will include the names, addresses and telephone numbers of substance abuse professionals and counseling and treatment programs. Before any ~~motor vehicle operator~~ driver who has committed a prohibited act under Part 382 or G.S. 20-138.2B will be allowed to drive again, he or she must be evaluated by a substance abuse professional and must satisfactorily complete any appropriate treatment that the substance abuse professional designates.

## G. PENALTIES

Employees who have committed a prohibited act, refused any test required by this policy or otherwise violated this policy, G.S. 20-138.2B or Part 382, will be subject to disciplinary action, up to and including dismissal.

## H. PROCEDURES

All procedures for collection and testing provided in the Federal Highway Administration's "Procedures for Transportation Workplace Drug and Alcohol Testing Programs" (49 C.F.R. pt. 40) and all requirements in Part 382, including testing, reporting, record retention, training and confidentiality, will be followed. Copies of these federal regulations will be readily available. The superintendent shall develop any other procedures necessary to carry out these regulations.

Legal References: 49 U.S.C. app. 2717; 49 C.F.R. pts. 40, 382; G.S. 20-138.2B

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

Adopted: May 1, 2000
Updated: August 3, 2009
Updated: March 8, 2011
Updated: November 7, 2016

## A. GENERAL EMPLOYMENT OF SUBSTITUTES

The school system shall employ substitute teachers as deemed appropriate by the administration and in accordance with State Board policies. Effective August 1, 2009 substitutes, including those who are currently employed as substitutes, in Montgomery County Schools will be required to take Effective Teacher Training. Effective Teacher Training will be offered by Montgomery County Schools. All substitutes must be twenty-one years of age and have a high school diploma or equivalent degree.

The director of human resources may waive the requirement for retired and former teachers and teacher assistants by giving them credit for previous classroom experience.

A criminal history check will be conducted on applicants for substitute teaching positions in accordance with board policy 7100, Recruitment and Selection of Personnel, and administrative procedures.

## B. TEACHER ASSISTANTS AS SUBSTITUTES

A teacher assistant may serve as a substitute teacher in the classroom(s) in which the assistant is regularly assigned and will be paid additional compensation according to state policies.

## C. PARENTAL NOTIFICATION

In accordance with policy 1320/3560, Title I Parental ~~Involvement~~and Family Engagement, school principals shall notify the parent of any child who receives instruction ~~in a core academic subject~~ for four or more consecutive weeks from a substitute teacher who does not meet the certification and licensure standards for the grade level and subject area to which the substitute teacher has been assigned. ~~definition of "highly qualified" under the No Child Left Behind Act~~.

Legal References: ~~No Child Left Behind Act~~Elementary and Secondary Education, 20 U.S.C ~~6311 (h)(6)(ii)~~ 6312(e)(1)(B)(ii); G.S. 115C-12, -36, -47, -332, 16 NCAC 6C.0313, 16 NCAC 6C.0403; State Board of Education Policy QP-A-001, QP-D-005

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Recruitment and Selection of Personnel (policy 7100)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: December 7, 2009 Updated: December 9, 2010
Updated: January 7, 2016
Updated: February 1, 2016
Updated: November 7, 2016

The board recognizes that an effective staff is critical to the smooth operation of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers, and other licensed professionals, excel in their performance. It is the intent of the board to employ only those licensed employees who continuously exhibit a pattern of behavior that exemplifies excellent performance.

The board places a high priority on securing the most competent personnel available and, once they are employed, in assisting them in their professional growth and development throughout their careers. An effective evaluation program that clearly describes an employee's performance is a critical aspect of professional growth and assistance. Further, performance evaluation data is an important factor for consideration in decisions regarding continued employment. The superintendent must be able to substantiate any recommendation for continued employment with evaluation data, among other factors.

The superintendent is directed to develop and implement an effective evaluation system for licensed personnel that is consistent with State Board of Education policies. School administrators who are responsible for conducting evaluations shall comply with all state requirements with regard to the type and frequency of evaluation, including as applicable, the processes for evaluating licensed employees in schools designated as low performing. The ~~school~~ principal shall evaluate teachers and may incorporate any guidelines or strategies developed by the State Board to assist in the evaluations. The principal shall provide teachers' access to EVAAS data as required by law and shall notify teachers at least annually when the data is updated to reflect teacher performance from the previous school year. The superintendent or designee shall evaluate principals and assistant principals.

All licensed personnel must be evaluated at least annually using state-approved evaluation instruments in conformance with the processes established by the State Board in the North Carolina Educator Evaluation System for that class of personnel. Teachers with fewer than three consecutive years of experience ~~shall~~will be evaluated annually in accordance with state law and the comprehensive evaluation cycle established in State Board Policy TCP-C-004. For teachers with three or more years of experience, the abbreviated evaluation process established in State Board Policy TCP-C-004 satisfies the annual evaluation requirement; however, a teacher receiving an abbreviated evaluation may request that the evaluator conduct a formal observation. In addition, in any given year, the principal may elect to use the comprehensive or standard evaluation processes set forth in State Board Policy TCP-C-004 or require additional formal or informal observations to evaluate a teacher with three or more years of experience. The principal also may supplement the State Board evaluation processes for other categories of licensed personnel by requiring additional observations or other evaluation measures. The annual evaluation of principals and assistant principals must include a mid-year review.

The evaluation system must incorporate the following directives.

1. Evaluators must clearly identify exemplary performance as well as deficiencies in performance.

2. Evaluators are encouraged to use supplementary means of assessing and documenting performance in addition to the state performance standards, assessment rubrics, and evaluation instruments, including, but not limited to, additional formal observations, informal observations, conferences, reviews of lesson plans and grade books, interactions with the employee, plans of growth or improvement, and any other accurate indicators of performance.

3. Student performance and growth data will be considered as a part of the evaluation of licensed personnel, as provided in the assessment rubric for the class of employees under evaluation. For teachers, such data shall include analysis of student work for performance-based courses and student performance as measured by the statewide growth model for educator effectiveness or as otherwise authorized by the State Board of Education and approved by the local board. Multiple means of assessing student performance must be used whenever possible. If only one method is used to measure student performance, it must be a clearly valid tool for evaluating an employee's impact on student performance.

4. Peer observations of teachers with fewer than three consecutive years of experience must be conducted as required by law using the evaluation instrument and process established by the State Board and must be considered by the school administrator in evaluating teacher performance.

5. Supervisors and principals should facilitate open communication with employees about performance expectations.

6. An employee who is unclear about how performance is being assessed or who desires additional evaluation opportunities should address these issues with his or her immediate supervisor.

7. Evaluators will be held accountable for following the evaluation system and all applicable state guidelines on the evaluation of employees.

8. Evaluation data will be submitted to the central office personnel file in accordance with state law and policy 7820, Personnel Files.

9. Evaluation data will be used in making employment decisions, including decisions related to professional and staff development (see policy 1610/7800, Professional and Staff Development) and suspension, demotion, and dismissal of employees (see policy 7930, Professional Employees: Demotion and Dismissal and policy 7940, Classified Personnel: Suspension and Dismissal). Employment decisions may be made by the board and administrators regardless of whether evaluators have followed the evaluation system, so long as there is a legally sufficient basis for the decisions.

10. The superintendent and all evaluators are encouraged to develop ways to recognize

distinguished performance and to capitalize on the abilities of such exemplary employees in helping other employees. The superintendent and evaluators are encouraged to involve employees in developing these processes.

The superintendent shall develop any other necessary procedures and shall provide training, as necessary, to carry out the board's directives and to meet state requirements.

Legal References: G.S. 115C-47(18), -286.1, -325, -333, -333.1, -333.2; State Board of Education Policies TCP-C-004, -005, -006, -022

Cross References: Professional and Staff Development (policy 1610/7800), School Administrator Contracts (policy 7425), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

Adopted: January 11, 2016
Updated: June 6, 2016
Updated: November 7, 2016

# PLANS FOR GROWTH AND IMPROVEMENT OF LICENSED EMPLOYEES

*Policy Code:REVISED* **7811**

The board expects all professionally licensed employees to maintain high levels of performance. If an employee does not meet this standard, the superintendent and administrative staff shall address any identified performance or other deficiencies through appropriate means, including placing the employee on a monitored growth, directed growth, or mandatory improvement plan when required by state law, State Board policy, or this policy, or when otherwise deemed necessary.

Growth and mandatory improvement plans as defined by law and this policy are valuable tools to promote the professional development of licensed employees. The board recognizes, however, that not all conduct and performance issues require the development of a plan. Administrators and supervisory personnel are authorized to address inappropriate conduct and/or inadequate performance using such other lawful means as they may deem appropriate. This policy ~~shall~~ should not be interpreted to limit in any way the authority of administrators or other supervisory personnel to direct and reprimand licensed employees for inappropriate conduct or inadequate performance.

Further, the superintendent may move to recommend nonrenewal, dismissal, or demotion of a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. (See policies 7930, Professional Employees: Demotion and Dismissal, and 7950, Non-Career Status Teachers: Nonrenewal.)

The superintendent shall require administrative staff to implement the requirements of this policy ~~develop procedures~~ in accordance with state law~~,~~ and State Board guidelines~~, and this policy as necessary to carry out the board's directives~~.

## A. DEFINITIONS

1. As used in this policy, "teacher" means an individual defined as a teacher in G.S. 115C-325(a)(6) (for career status teachers) or G.S. 115C-325.1(6) (for non-career status teachers).

2. As used in this policy, "licensed employee(s)" includes principals, assistant principals, and other school administrators as defined in G.S. 115C-325.1(5), and teachers.

3. "The North Carolina Educator Evaluation System" refers to the professional standards, processes, and rubrics approved by the State Board of Education for each educator role in North Carolina public schools.

## B. INDIVIDUAL, MONITORED, AND DIRECTED GROWTH PLANS FOR TEACHERS

1. Use of Growth Plans for Teachers

~~a. Teachers~~

Teachers who receive an overall rating of at least "proficient" on all standards on the North Carolina ~~Teacher~~ Educator Evaluation System ~~R~~rubric as indicated on the ~~Teacher~~ Summary Rating Form shall develop an individual growth plan designed to improve performance on specifically identified standards and elements.

A teacher who is performing below a proficient level on the ~~Teacher~~ Summary Rating Form ~~shall~~ will be placed on a monitored growth plan or a directed growth plan unless dismissal, demotion, nonrenewal, or placement on a mandatory improvement plan (see Section ~~C~~D, below) is warranted. A monitored growth plan developed in accordance with State Board policy is required for a teacher who is rated "developing" on one or more standards of the North Carolina Educator ~~Teacher~~ Evaluation System ~~R~~rubric. State Board policy also requires that a teacher who is rated "not demonstrated" on any standard or who is rated "developing" on any standard for two sequential years be placed on a directed growth plan. The board or superintendent may establish other criteria that will be deemed evidence that performance is below a proficient level or otherwise represents unsatisfactory or below standard performance and warrants placement on either a monitored growth plan or a directed growth plan.

Unless otherwise limited by state law or State Board policy, the principal is authorized to place a teacher on a monitored or directed growth plan or other plan of ~~improvement~~ assistance at any point during the school year if the principal determines that the teacher is performing below the expected level.

~~b. School Administrators~~

~~Professional growth plans will be developed for school administrators as provided in State Board policy. A professional growth plan will include mutually agreed upon performance goals and recommendations based upon the school administrator's self-assessment, the consolidated assessment and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the school administrator and the superintendent or designee when completing the annual evaluation process.~~

~~The superintendent may move to dismiss or demote a licensed employee whether or not the employee has been first placed on a growth or other improvement plan. See policy 7930, Professional Employees: Demotion and Dismissal.~~

2. Components of Growth Plans for Teachers

Individual growth plans may contain, but are not limited to, any of the components listed below. However, monitored or directed growth plans must include at least the following components.

~~a)~~a. Identification of Performance Deficiencies

All performance deficiencies, including conduct deficiencies and all specific standards and elements of the Teacher Evaluation Rubric identified for improvement during the teacher's evaluation, must be identified and addressed in the growth plan.

~~b)~~b. Performance Expectations and Goals

For each performance deficiency ~~problem~~ identified, the growth plan must include a statement of the expected level of performance and/or other goals to be accomplished.

~~c)~~c. Strategies

The growth plan must set forth a strategy or strategies designed to correct each identified performance deficiency. The strategies should be specific and clearly state the activities the teacher should undertake to achieve the expected level of performance. The strategies also should identify all individuals responsible for implementing the plan.

~~d)~~d. Dates for Monitoring and Completion

The growth plan must include dates upon which the teacher's progress under the plan will be reviewed and the date by which performance or conduct is to be improved to the expected level. Under a monitored growth plan, the teacher must achieve proficiency within one school year. A directed growth plan may provide for a shorter period to achieve proficiency, not to exceed one school year.

3. Review of Growth Plans

Individual ~~and professional~~ growth plans should be reviewed at least annually with the ~~licensed employee's~~ teacher's principal or supervisor ~~and/or the principal, the superintendent, or their designees, as applicable~~.

In the case of a teacher's monitored or directed growth plan, once the designated time period for completion of a plan has elapsed, the principal or supervisor shall review the teacher's performance, including the results of any subsequent evaluation and determine whether the teacher continues to perform below the expected level in any area or whether the teacher's performance has improved sufficiently. If the teacher's performance remains below proficient, the principal

or supervisor shall recommend to the superintendent one of the following:

a. the board non-renew, dismiss, ~~the teacher~~ or demote the teacher, or transfer the teacher to a position in which the teacher can be successful;

b. the teacher be placed on a mandatory improvement plan in accordance with the provisions of Section ~~C~~ D below; or

c. the teacher be moved to a new monitored or directed growth plan or continue on a previous growth plan that has been revised as necessary, provided the principal or supervisor determines that:

1) the teacher's continuing performance problems are not having an adverse impact on student learning or the school environment, or

2) the teacher is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable, additional time period.

## C. PROFESSIONAL GROWTH PLANS FOR PRINCIPALS AND ASSISTANT PRINCIPALS

### 1. Professional Growth Plans

Professional growth plans will be developed for principals and assistant principals as provided in State Board policy. The professional growth plan will include mutually agreed upon performance goals and recommendations based upon the principal or assistant principal's self-assessment, the consolidated assessment, and the summary evaluation using the *North Carolina School Executive; Principal and Assistant Principal Evaluation Process*. Development of the professional growth plan will be discussed at a meeting between the principal or assistant principal and the superintendent or designee when completing the annual evaluation process. The superintendent or designee should review the professional growth plan with the employee at least annually.

### 2. Optional Action Plan Component to the Professional Growth Plan

a. The superintendent may incorporate an action plan into the principal or assistant principal's professional growth plan to address performance or conduct deficiencies. The action plan must include the following:

i. Identification of Performance Deficiencies

All performance and conduct deficiencies identified in the employee's evaluation must be identified and addressed in the action plan.

ii. Performance Expectations and Goals

For each performance deficiency identified, the action plan must include a statement of the expected level of performance and/or other goals to be accomplished.

iii. Strategies

The action plan must set forth a strategy or strategies designed to correct each identified performance or conduct deficiency. The strategies should be specific and clearly stated and should identify all individuals responsible for implementing the plan.

iv. Dates for Monitoring and Completion

The action plan must include the dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level, which will be no less than 60 calendar days and no longer than the end of the current school year.

b. Upon completion of the action plan, the superintendent or designee shall reevaluate the employee and determine whether the employee continues to perform below the expected level in any area or whether the employee's performance has improved sufficiently. If the employee is within the final year of his or her contract, the reevaluation must occur prior to the statutory deadline for notice of contract non-renewal. If the employee's performance remains below proficient, the superintendent shall either:

i. recommend that the board non-renew, dismiss, demote, or transfer the employee to a position in which the employee can be successful; or

ii. retain the employee in the current position if the superintendent determines that the employee is making good progress toward improvement in deficient areas and is likely to improve to an acceptable level within a reasonable period of time. A principal or assistant principal who is retained in his or her position after demonstrating performance below proficiency on the reevaluation must be given a new action plan and reevaluated as described in subsection C.2.b, above.

## ~~C.~~D. MANDATORY IMPROVEMENT PLANS

A mandatory improvement plan is an instrument designed to improve a licensed employee's performance by providing the employee with notice of specific performance

areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the employee, so that he or she may satisfactorily resolve such deficiencies within a reasonable time frame.

The use of mandatory improvement plans as provided in this policy is discretionary and will be determined on a case-by-case basis. Nothing in this policy will be interpreted so as to require the use of mandatory improvement plans in addition to, or in lieu of, growth plans or other disciplinary action, including non-renewal or dismissal from employment as provided by law.

1. Initiating a Mandatory Improvement Plan

   a. Licensed Employees in Low-Performing Schools

      If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that (i) the employee receive a mandatory improvement plan designed to improve the employee's performance, ~~or~~ (ii) the superintendent recommend to the board that the employee be dismissed, ~~or~~ demoted (if a career teacher), or nonrenewed (if the teacher is on a contract), or (iii) a proceeding for immediate dismissal or demotion be instituted against the employee for conduct or performance that causes substantial harm to the educational environment. If the individual or team that conducted the evaluation elects not to make ~~either~~ any of the above recommendations, the ~~said~~ individual or team evaluator shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan, to recommend nonrenewal of the employee's contract, or to recommend a dismissal proceeding.

   b. Teachers in Schools Not Identified as Low-Performing

      If, in an observation report or year-end evaluation, a teacher in a school not identified as low-performing receives a rating that is below proficient or otherwise represents unsatisfactory or below standard performance on any standard that the teacher was expected to demonstrate, the principal may place the employee on a mandatory improvement plan. The mandatory improvement plan will be utilized only if the superintendent or designee determines that an individual, monitored or directed growth plan would not satisfactorily address the deficiencies.

   c. Any Licensed Employees Engaging in Inappropriate Conduct or Performance

A principal may recommend to the superintendent or designee that a licensed employee be placed immediately on a mandatory improvement plan if the employee engages in inappropriate conduct or performs inadequately to such a degree that the conduct or performance causes substantial harm to the educational environment, but immediate dismissal or demotion of the employee is not appropriate. The principal must document the exigent reason for immediately instituting such a plan.

2. Components of the Plan

A mandatory improvement plan for any licensed employee must include the following components.

~~a)~~a. Identification of Performance Deficiencies

The performance or conduct areas in which the employee is deficient must be identified and addressed in the mandatory improvement plan.

~~b)~~b. Performance Expectations

For each performance or conduct deficiency ~~problem~~ identified, the plan must include a statement of the expected level of performance.

~~c)~~c. Strategies

The plan must establish a strategy or strategies designed to correct each identified performance or conduct deficiency. The strategies should be specific and clearly state the activities the employee should undertake to achieve the expected level of performance or conduct and the specific support to be provided to the employee. The strategies also should identify all individuals responsible for implementing the plan.

~~d)~~d. Dates for Monitoring and Completion

The plan must include dates upon which the employee's progress under the plan will be reviewed and the date by which performance is to be improved to the expected level.

3. Development and Implementation of the Plan

a. Licensed Employees in Low-Performing Schools

When directed by the superintendent, a mandatory improvement plan to improve the performance of a licensed employee will be developed by the person who evaluated the licensed employee or the employee's supervisor, unless the evaluation was conducted by an assistance team. If the evaluation

was conducted by an assistance team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans will be designed to be completed within 90 instructional days or before the beginning of the next school year.

b. Teachers in Schools Not Identified As Low-Performing

When a principal decides to put a teacher on a mandatory improvement plan, the principal shall develop the plan in consultation with the teacher. The teacher shall have five instructional days after receiving the plan to request a modification to the plan before it is implemented. The principal must consider the requested modification before finalizing the plan. The teacher shall have at least 60 instructional days to complete the mandatory improvement plan.

A teacher has five workdays after finalization of the mandatory improvement plan within which to submit a request to the principal for a qualified observer, as defined in G.S. 115C-333.1(c)(1), to observe the teacher in the area or areas of concern identified in the plan. In accordance with G.S. 115C-333.1(c)(2), the board will create and maintain a list of qualified observers who are employed by the board and available to conduct observations. The board will strive to limit the list to administrators and teachers who have excellent reputations for competence and fairness. Selection of the qualified observer and submission of the qualified observer's report to the principal will be in accordance with G.S. 115C-333.1(c)(3).

4. Reassessment

a. Licensed Employees in Low-Performing Schools

After the expiration of the time period for the mandatory improvement plan, the superintendent or designee or the assistance team shall assess the employee's performance. If the assessor determines that the employee has failed to become proficient in any of the performance or conduct standards articulated in the mandatory improvement plan or to demonstrate sufficient improvement toward such standards, the superintendent shall recommend that the employee be dismissed, ~~or~~ demoted, or nonrenewed under applicable state law, or that the employee be immediately dismissed for conduct or performance that causes substantial harm to the educational environment.

b. Teachers in Schools Not Identified As Low-Performing

Upon completion of a mandatory improvement plan, the principal or supervisor shall assess the performance of the employee. ~~For teachers, t~~The

principal shall also review and consider any report provided by the qualified observer if one has been submitted before the end of the mandatory improvement plan period. If, after the assessment of the employee and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any of the performance or conduct standards identified as deficient in the mandatory improvement plan or demonstrate sufficient improvement toward such standards, the superintendent may recommend that the employee be dismissed, ~~or~~ demoted, or nonrenewed under applicable state law or that the employee be immediately dismissed for conduct or performance that causes substantial harm to the educational environment.

Legal References: G.S. 115C-325 (applicable to career status teachers), -325.1 *et seq*. (applicable to non-career status teachers), -333, -333.1; State Board of Education Policy TCP-C-004, TCP-C-005

Cross References: Professional and Staff Development (policy 1610/7800), Evaluation of Licensed Employees (policy 7810), Professional Employees: Demotion and Dismissal (policy 7930), Non-Career Status Teachers: Nonrenewal (policy 7950)

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Updated: March 3, 2010
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Updated: December 5, 2011
Updated: June 3, 2014

Personnel files, which may consist of paper or electronic records, will be maintained in the human resources office for all employees as provided by law. The superintendent and all supervisors are directed to ensure that all appropriate employment-related information is submitted to the file. Employees will be provided with all procedural protections as provided by law.

The superintendent shall have overall responsibility for granting or denying access to personnel records consistent with this policy.

## A. RECORDS MAINTAINED

The following records must be maintained in the personnel file:

1. evaluation reports made by the administration;
2. commendations for and complaints against the employee (see subsection C);
3. written suggestions for corrections and improvements made by the administration;
4. certificates;
5. employee's standard test scores;
6. employee's academic records;
7. application forms;
8. any request to the State Board of Education to revoke the employee's teaching license; and
9. other pertinent records or reports.

## B. CERTAIN EMPLOYEE RECORDS MAINTAINED SEPARATELY

The following employee information shall be kept separate from the employee's general Personnel information, in accordance with legal and/or board requirements:

1. Pre-Employment Information

   Letters of reference about an employee before his or her employment and, for teachers, any other pre-employment information collected, will be filed separately from the employee's general personnel information and shall not be made available to the employee.

2. Criminal Record Check

   Data from a criminal history check shall be maintained in a locked secure location separate from the employees personnel file. The superintendent shall designate

which school officials have a need to know the results of the criminal history check. Only those officials so designated may obtain access to the records.

3. Medical Information

Employee medical information, including the following, shall be kept in a separate confidential file and may be subject to disclosure rules:

a. health certificates (see board policy 7120, Employee Health Certificates);
b. drug test results, except that drug use or alcohol use contrary to board policy or law also may be documented in the employee's personnel file (see board policy 7241, Drug and Alcohol Testing of Commercial Motor Vehicle Operators);
c. information related to an employee's communicable disease/condition or possible occupational exposure to bloodborne pathogens (see board policies 7260, Occupational Exposure to Bloodborne Pathogens, and 7262, Communicable Diseases – Employees);
d. medical information related to leave under the Family and Medical Leave Act (see board policy 7520, Family and Medical Leave); and
e. genetic information, as defined by the Genetic Information Nondiscrimination Act of 2008

4. Complaints/Reports of Harassment or Discrimination

The superintendent or his or her designee shall maintain records of all reports and complaints of harassment and discrimination and the resolution of such complaints. Allegations of harassment or discrimination shall be kept confidential to the extent possible. Employees involved in the allegations shall be identified only to individuals who need the information to investigate or resolve the matter or to ensure that due process is provided to the accused employee, (see board policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, and 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure.

If the allegations are substantiated through investigation, the superintendent or designee shall ensure that the provisions of Section C, below, are followed to the extent that they do not conflict with the rights of any individual.

## C. PLACEMENT OF RECORDS IN PERSONNEL FILE

All evaluations, commendations, complaints or suggestions for correction or improvement must be placed in the central office personnel file after the following requirements are met:

1. the comment is signed and dated by the person making the evaluation, commendation, complaint or suggestion;

2. if the comment is a complaint, the employee's supervisor has attempted to resolve the issue raised therein, and documentation of such efforts is attached with the supervisor's recommendation to the superintendent as to whether the complaint contains any invalid, irrelevant, outdated or false information; and

3. the employee has received a copy of the evaluation, commendation, complaint or suggestion five days before it is placed in the file.

All written complaints that are signed and dated must be submitted regardless of whether the supervisor considers the complaint to be resolved.

The supervisor is expected to use good judgment in determining when documents should be submitted to the file immediately and when a delay is justified, such as when there exists a plan of improvement that is frequently revised. However, all evaluations, commendations, complaints or suggestions for correction or improvement should be submitted by the end of the school year or in time to be considered in an evaluation process, whichever is sooner. The supervisor or principal should seek clarification from the director of human resources as necessary to comply with this policy.

The employee may offer a denial or explanation of the evaluation, commendation, complaint or suggestion, and any such denial or explanation shall become part of his or her personnel file provided that it is signed and dated.

The superintendent may exercise statutory authority not to place in an employee's file a letter of complaint that contains invalid, irrelevant, outdated or false information or a letter of complaint ~~in situations~~ when there is no documentation of an attempt to resolve the issue.

As provided in policy 7900, Resignation, if a career employee who has been recommended for dismissal under the applicable state law resigns without the written consent of the superintendent, then (1) the superintendent shall report the matter to the State Board of Education; (2) the employee shall be deemed to have consented to the placement of the written notice of the superintendent's intention to recommend dismissal in the employee's personnel file; and (3) the employee shall be deemed to have consented

to the release to prospective employers, upon request, of the fact that the superintendent has reported this employee to the State Board of Education. For purposes of this provision, "career employee" means (1) a teacher or an administrator with career status, or (2) an administrator or a non-career status teacher during the term or his or her contract.

**D. ACCESS TO PERSONNEL FILE**

1. Every employee shall have the right during regular working hours to inspect his or her personnel file, including any portions of the file maintained in electronic format only, during regular working hours, provided that three days notice is given to the personnel office.

2. The following persons may be permitted to access to a personnel file without the consent of the employee about whom the file is maintained:

   a. those school officials involved in the screening, selection, or evaluation of the individual for employment or other personnel action; and

   b. members of the Board of Education, if the examination of the file relates to the duties and responsibilities of the board member;

   c. the board attorney;

   d. the superintendent and other supervisory personnel;

   e. the hearing officer in a demotion or dismissal procedure regarding the employee; and

   f. law enforcement and the District Attorney to assist in the investigation of a report made to law enforcement pursuant to G.S. 115C-288(g) or regarding an arson; an attempted arson; or the destruction of, theft from, theft of, embezzlement from, or embezzlement of any personal or real property owned by the board. Five days written notice shall be given to the employee prior to such disclosure.

3. No other person may have access to a personnel file except under the following circumstances:

   a. when an employee gives written consent to the release of his or her records which specifies the records to be released and to whom they are to be released;

b. pursuant to court order a subpoena or court order; or

c. when the board has determined and the superintendent has documented that the release or inspection of information is essential to maintaining the integrity of the board or the quality of services provided by the board; or

d. the superintendent or designee determines that disclosure to a court of law, or a state or federal administrative agency having a quasi-judicial function, is necessary to adequately defend against a claim filed by a current or former employee against the board or a school official or employee for any alleged act or omission arising during the course and scope of his or her official duties or employment. Such disclosures will be limited to those confidential portions of the personnel file of the employee who filed the claim and only to the extent necessary for the defense of the board.

4. Each request for consent to release records must be handled separately.

5. It is a criminal violation for an employee or board member to do either of the following:

a. knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file; or

b. knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.

## E. INFORMATION AVAILABLE TO PARENTS OF STUDENTS ATTENDING TITLE I SCHOOLS

The following information about a student's teacher(s) or paraprofessional(s) providing services to a student shall be provided upon request to the parent of a student attending a Title I school:

1. whether the teacher has met North Carolina qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction;

~~2. the teacher's baccalaureate degree major and any post-graduate certification or degree held;~~

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2. whether the teacher is teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived;

3. whether the teacher is teaching in the field of discipline of his or her certification; and

4. the qualifications of any paraprofessional providing services to the student.

**F. Public Information**

1. The following information contained in an employee's personnel file must be open to inspection upon request by members of the general public;

   a. name;
   b. age;
   c. date of original employment or appointment;
   d. 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;
   e. current position;
   f. title;
   g. current salary (includes pay, benefits, incentives, bonuses, deferred compensation, and all other forms of compensation paid to the employee);
   h. the date and amount of each increase or decrease in salary with the board;
   i. the date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with the board;
   j. the date and general description of the reasons for each promotion with the board;
   k. the date and type of each dismissal, suspension or demotion for disciplinary reasons taken by the board and 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; and
   l. the office or station to which the employee is currently assigned

2. The name of a participant in the North Carolina Address Confidentiality Program is not a public record, is not open to inspection, and must be redacted from any records released.

3. Volunteer records are not considered public records.

4. Unless an employee submits a written objection to the human resources office, the board also may make the following information available about each employee as part of an employee directory:

   a. address;
   b. telephone number;
   c. photograph;
   d. participation in officially recognized activities and sports; or
   e. degrees and awards received.

5. Employees will be notified of their right to object before any such directory is compiled or revised.

6. Under no circumstances shall the following be released pursuant to a public records request or as part of an employee directory:

   a. personal identifying information, as defined board policy 4705/7825, Confidentiality of Personal Identifying information; or
   b. the name, address or telephone number of a participant in the North Carolina Address Confidentiality Program.

## G. REMOVAL OF RECORDS

An employee may petition the board to remove any information from his or her personnel file that the employee deems invalid, irrelevant or outdated.

Legal References: Genetic Information Nondiscrimination Act of 2008, 42 U.S.C. 2000ff *et seq.;* No Child Left Behind Act of 2001 Elementary and Secondary Education Act, 20 U.S.C. 6312(e)(1)(A) ~~6311(h)(6)~~, G.S. 115C-36, -47(18), -209.1, -288(g), -319 to -321, -325(b); and (o) (applicable to career status teachers), -325.2 and -325.9 (applicable to non-career status teachers); 143B-931; 16 NCAC 06C .0313

Cross Reference: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Sexual Harassment Complaint Procedure (policy 1755/7237), Confidential Information (policy 2125/7315), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records (policy 5070), Employee Health Certificates (policy 7120), Drug and Alcohol Testing of Commercial Motor Vehicle Operators (policy 7241), Occupational Exposure to Bloodborne Pathogens (policy 7260), Communicable Diseases – Employees (policy 7262), Family and

Medical Leave (policy 7520), Petition for Removal of Personnel Records (policy 7821), Resignation (policy 7900)

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Updated: November 7, 2016

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

*Policy Code:* **9110**

## A. USE OF ARCHITECTS AND/OR ENGINEERS

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

1. preparing feasibility studies for additions, alterations or renovations of existing facilities;
2. providing consulting services on technical matters;
3. providing services as agreed upon related to long range planning or facility design; and
4. assisting in the preparation and submission of any documents requested by other governmental agencies.

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

Except as otherwise permitted under G.S. 115C-521(g), the Procurement of architectural, engineering, surveying, or construction management at risk services for facility design, construction, and related services will be accomplished in accordance with the following requirements.

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

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

        1. training and experience of the service provider, especially in school-related projects;
        2. planning ability and promptness;
        3. experience in specification writing, including reputation for accuracy and sufficiency of detail;
        4. experience in the construction of K-12 buildings;
        5. reputation for quality of design and construction in appearance and utility;
        6. history of thorough inspections and follow through with jobs;
        7. timely completion of projects within the established budgets;
        8 relationships with contractors and designers; and
        9. any other factors the superintendent deems relevant.

    b. The superintendent shall provide a list of qualified service providers to the board for consideration and selection unless the estimated professional fee for the project is within the superintendent's authority to contract as provided in policy 6420, Contracts with the Board. The list shall not include any service provider whose name appears on the state treasurer's Final Divestment List or Iran Parent and Subsidiary

Guidance List, as required by G.S. 147, art. 6E.

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

d. Fees will be negotiated with the selected firm. If a fair and reasonable fee cannot be agreed upon, the board or superintendent will select the next best qualified firm and negotiate fees. The contract with the firm must be reviewed by the board attorney, and meet all applicable laws and board policies.

**2. Projects with an Estimated Professional Fee of Less than $50,000.00**

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

b. When the estimated professional fee for a project is estimated to be within the superintendent's authority to contract on behalf of the board as provided in policy 6420, Contracts with the Board, the superintendent shall have authority to select the firm. Board approval of the firm is not required. The contract with the firm must meet all applicable laws and board policies and must be consistent with G.S. 147, art. 6E.

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

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

Cross References: Contracts with the Board (policy 6420). Site Selection (policy 9010), Facility Design (policy 9020)

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Updated: November 7, 2016

# SALE, DISPOSAL, AND LEASE OF BOARD-OWNED REAL PROPERTY

*Policy Code:* Revised **9400**

The board will consider the sale and disposal of board-owned real property, including land and buildings, as authorized by law. The board is guided in its decisions by its commitment to help students succeed by providing appropriate facilities and to use its resources in a fiscally and environmentally sound manner.

Any sale or disposal of real property, including school buildings, will be conducted in accordance with statutory requirements. The superintendent will secure the services of consultants as necessary to conduct feasibility assessments and determine the fair market value. No building or land will be sold below the fair market value or exchanged for less than full and fair consideration.

When the board decides to lease board-owned property to another entity, the lease will be at the fair market value, except that the board may negotiate a lesser amount with another governmental unit.

All contracts for the sale, disposal, or lease of real property must be consistent with G.S. 147, art. 6E.

Legal References: G.S. 115C-72, -218.35, -518, -521; 160A, art. 12; 147, art. 6E

Cross References: Planning to Address Facility Needs (policy 9000), Site Selection (policy 9010), Use and Selection of Architects, Engineers, Surveyors, and Construction Managers At Risk (policy 9110)

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The board provides its student and staff access to a variety of technological resources, including laptop computers and tablets. These resources provide opportunities to enhance learning and improve communication within the school community and with the larger global community. Through the school system's technological resources, users can observe events as they occur around the world, interact with others on a variety of subjects, and acquire access to current and in-depth information.

The board intends that students and employees benefit from these resources while remaining within the bounds of safe, legal and responsible use. Accordingly, the board establishes this policy to govern student and employee use of school system technological resources. This policy applies regardless of whether such use occurs on or off school system property, and it applies to all school system technological resources, including but not limited to computer networks and connections, the resources, tools and learning environments made available by or on the networks, and all devices that connect to those networks.

## A. EXPECTATIONS FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES

The use of school system technological resources, including access to the Internet, is a privilege, not a right. Individual users of the school system's technological resources are responsible for their behavior and communications when using those resources. Responsible use of school system technological resources is use that is ethical, respectful, academically honest and supportive of student learning. Each user has the responsibility to respect others in the school community and on the Internet. Users are expected to abide by the generally accepted rules of network etiquette. General student and employee behavior standards, including those prescribed in applicable board policies, the Code of Student Conduct and other regulations and school rules, apply to use of the Internet and other school technological resources.

In addition, anyone who uses school system computers or electronic devices or who accesses the school network or the Internet using school system resources must comply with the additional rules for responsible use listed in Section B, below. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

Before using the Internet, all students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

All students and employees must be informed annually of the requirements of this policy and the methods by which they may obtain a copy of this policy. Before using school system technological resources, students and employees must sign a statement indicating

that they understand and will strictly comply with these requirements . The agreement is in effect until either the student changes schools or the employee moves to a different place of employment within the Montgomery County School System. Failure to adhere to these requirements will result in disciplinary action, including revocation of user privileges. Willful misuses may result in disciplinary action and/or criminal prosecution under applicable state and federal law.

**B. RULES FOR USE OF SCHOOL TECHNOLOGICAL RESOURCES**

1. School system technological resources are provided for school-related purposes only. Acceptable uses of such technological resources are limited to responsible, efficient and legal activities that support learning and teaching. Use of school system technological resources for commercial gain or profit is prohibited. Student personal use of school system technological resources for amusement or entertainment is also prohibited. Because some incidental and occasional personal use by employees is inevitable, the board permits infrequent and brief personal use by employees so long as it occurs on personal time, does not interfere with the school system business and is not otherwise prohibited by board policy or procedure.

2. School district technological resources are installed and maintained by members of the Technology Department. Students and employees shall not attempt to perform any installation or maintenance without the permission of the Technology Department.

3. Under no circumstances may software purchased by the school system be copied for personal use.

4. Students and employees must comply with all applicable laws, including those relating to copyrights and trademarks, confidential information, and public records. Any use that violates state or federal law is strictly prohibited. Plagiarism of Internet resources will be treated in the same manner as any other incidents of plagiarism, as stated in the Code of Student Conduct.

5. No user of technological resources, including a person sending or receiving electronic communications, may engage in creating, intentionally viewing, accessing, downloading, storing, printing or transmitting images, graphics (including still or moving pictures), sound files, text files, documents, messages or other material that is obscene, defamatory, profane, pornographic, harassing, abusive or considered to be harmful to minors. All users must comply with policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying

when using school technology.

6. The use of anonymous proxies to circumvent content filtering is prohibited.

7. Users may not install or use any Internet-based file sharing program designed to facilitate sharing of copyrighted material.

8. Users of technological resources may not send electronic communications fraudulently (i.e., by misrepresenting the identity of the sender).

9. Users must respect the privacy of others. When using e-mail, chat rooms, blogs or other forms of electronic communication, students must not reveal personal identifying information, or information that is private or confidential, such as the home address or telephone number, credit or checking account information or social security number of themselves or fellow students. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information. In addition school employees must not disclose on school system websites or web pages or elsewhere on the Internet any personally identifiable, private or confidential information concerning students (including names, addresses or pictures) without the written permission of a parent or guardian or an eligible student, except as otherwise permitted by the Family Educational Rights and Privacy Act (FERPA) or policy 4700, Student Records. Users also may not forward or post personal communications without the author's prior consent.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks or data or any user connected to school system technological resources. Users may not knowingly or negligently transmit computer viruses or self-replicating messages or deliberately try to degrade or disrupt system performance. Users must scan any downloaded files for viruses.

11. Users may not create or introduce games, network communications programs or any foreign program or software onto any school system computer, electronic device or network without the express permission of the technology director or designee.

12. Users are prohibited from engaging in unauthorized or unlawful activities, such as "hacking" or using the computer network to gain or attempt to gain unauthorized or unlawful access to other computers, computer systems or accounts.

13. Users are prohibited from using another individual's ID or password for any technological resource without permission from the individual. Students must also have permission from the teacher or other school official.

14. Users may not read, alter, change, block, execute or delete files or communications belonging to another user without the owner's express prior permission.

15. Employees shall not use passwords or user IDs for any data system (e.g., Power School, CECAS, time-keeping software, etc.) for an unauthorized or improper use.

16. If a user identifies a security problem on a technological resource, he or she must immediately notify a system administrator. Users must not demonstrate the problem to other users. Any user identified as a security risk will be denied access.

17. Teachers shall make reasonable efforts to supervise ~~a~~ students' use of the Internet during instructional time, to ensure that such use is appropriate for the student's age and the circumstances and purpose of the use..

18. Views may be expressed on the Internet or other technological resources as representing the view of the school system or part of the school system only with prior approval by the superintendent or designee.

19. Without permission by the board, users may not connect any person technologies such as laptops, workstations and printers, wireless access points and routers, etc. to a district owned and maintained local, wide or metro area network. Connection of personal devices such as iPods, smartphones, PDAs and printers is permitted but not supported by Montgomery County Schools. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service).

20. Users must back up data and other important files regularly.

21. Those who use district owned and maintained laptops must also follow these guidelines:

    a. Keep the laptop secure and damage free
    b. Use the provided protective case at all times.
    c. Do not loan out the laptop, charger or cords.

d. Do not leave the laptop in your vehicle.
e. Do not leave the laptop unattended.
f. Do not eat or drink while using the laptop or have food or drinks in close proximity to the laptop.
g. Do not allow pets near the laptop.
h. Do not place the laptop on the floor or on a sitting area such as a chair or couch.
i. Do not leave the laptop near table or desk edges.
j. Do not stack objects on top of the laptop.
k. Do not leave the laptop outside.
l. Do not use the laptop near water such as a pool.
m. Do not check the laptop as luggage at the airport.
n. Back up data and other important files regularly, Montgomery County Schools Technology Department will at times perform maintenance on the laptops by imaging. All files not backed up to server storage space or other storage devices will be deleted during this process.

## C. RESTRICTED MATERIAL ON THE INTERNET

The Internet and electronic communications offer fluid environments in which students may access or be exposed to materials and information from divers and rapidly changing sources, including some that may be harmful to students. The board recognizes that it is impossible to predict with certainty what information on the Internet students may access or obtain. Nevertheless, school system personnel shall take reasonable precautions to prevent students from accessing materials and information that is obscene, pornographic or otherwise harmful to minors, including violence, nudity, or graphic language that does not serve a legitimate pedagogical purpose. The superintendent shall ensure that technology protection measures are used as provided in policy 3226/4205, Internet Safety, and are disabled or minimized only when permitted by law and board policy. The board is not responsible for the content accessed by users who connect to the Internet via their personal mobile telephone technology (e.g., 3G, 4G service

## D. PARENTAL CONSENT

The board recognizes that parents of minors are responsible for setting and conveying the standards their children should follow when using media and information sources. Accordingly, before a student may independently access the Internet, the student's parent must be made aware of the possibility that the student could obtain access to inappropriate material while engaged in independent use of the Internet. The parent and student must consent to the

student's independent access to the Internet and to monitoring of the student's e-mail communication by school personnel.

In addition, in accordance with the board's goals and visions for technology, students may require accounts in third party systems for school related projects designed to assist students in mastering effective and proper online communications or to meet other educational goals. Parental permission will be obtained when necessary to create and manage such third party accounts.

## E. PRIVACY

No right of privacy exists in the use of technological resources. Users should not assume that files or communications created or transmitted using school system technological resources or stored on services or hard drives of individual computers will be private. School system administrators or individuals designated by the superintendent may review files, monitor all communications, and intercept e-mail messages to maintain system integrity and to ensure compliance with board policy and applicable laws and regulations. School system personnel shall monitor on-line activities of individuals who access the Internet via a school-owned computer.

## F. SECURITY/CARE OF PROPERTY

Security on any computer system is a high priority, especially when the system involves many users. Employees are responsible for reporting information security violations to appropriate personnel. Employees should not demonstrate the suspected security violation to other users. Unauthorized attempts to log onto any school system computer on the board's network as a system administrator may result in cancellation of user privileges and/or additional disciplinary action. Any user identified as a security risk or having a history of problems with other systems may be denied access.

Users of school district technology resources are expected to respect school district property and be responsible in using the equipment. Users are to follow all instructions regarding maintenance or care of the equipment.

Users may be held fiscally responsible for any loss or damage caused by intentional or negligent acts in caring for computers while under their control. The school district is responsible for any routine maintenance or standard repairs to school system computers.

## G. PERSONAL WEBSITES

The superintendent may use any means available to request the removal of personal websites that substantially disrupt the school environment or that utilize school system or individual school names, logos or trademarks without permission.

1. Students

Though school personnel generally do not monitor students' Internet activity conducted on non-school system devices during non-school hours, when the student's on-line behavior has a direct and immediate effect on school safety or maintaining order and discipline in the schools, the student may be disciplined in accordance with board policy (see the student behavior policies in the 4300 series).

2. Employees

Employees' personal websites are subject to policy 7335, Employee Use of Social Media.

3. Volunteers

Volunteers are to maintain an appropriate relationship with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or on-line networking profiles in order to prevent. The possibility that students could view materials that is not age-appropriate. An individual volunteer's relationship with the school system may be terminated if the volunteer engages in inappropriate online interaction with students.

Legal Reference: U.S. Const. amend. I; Children's Internet Protection Act, 47 U.S.C. 254(h)(5); Electronic Communications Privacy Act, 18 U.S.C. 2510-2522; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; 17 U.S.C. 101 *et seq.*; 20 U.S. C. 7131 G.S. 115C-325(e) (applicable to career status teachers) -325.4 (applicable to non-career status teachers)

Cross Reference: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), Web Page Development ( policy 3227/7322), Student Behavior Policies (all policies in the 4300 series), Student Records (policy 4700), Confidentiality of Personal Identifying Information (policy 4705/7825), Public Records –Retention, Release and Disposition

(policy 5070/7350), Use of Equipment, Materials and Supplies (policy 6520), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335).

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Updated: April 6, 2009
Updated: January 12, 2012
Updated: January 14, 2013
Updated: December 8, 2014
Updated: May 4, 2015

# WEAPONS, BOMB THREATS AND CLEAR THREATS TO SAFETY

*Policy Code :* **4333**

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

## A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

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

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

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

blades, blowguns, and other like objects fitting the above description.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other person~~s~~ with such an item~~s~~, or becomes aware that another student or other person~~s~~ intends to possess, handle or use an item~~s~~, must notify a teacher or the principal immediately.

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

2. Bomb Threats

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

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

3. Terrorist Threats

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

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

4. Clear Threats to Student and Employee Safety

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**B. CONSEQUENCES**

1. General Consequences

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

2. Specific Consequences Mandated by Law

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

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

gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

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

Legal Reference: Gun-Free Schools Act 20 U.S.C. ~~7151~~7961; G.S. 14-17 to -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2; -277.5; ch. 90, art. 5; 115C-47, -276(r), -288(g), -307, -390 .1, -390.2 -390.10

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

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

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

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

## A. STUDENTS CHARGED WITH OR CONVICTED OF CRIMINAL BEHAVIOR

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

## B. REPORTING CRIMINAL BEHAVIOR

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

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

The principal or designee shall notify the superintendent or designee in writing or by e-

mail of any report made by the principal to law enforcement. Such notice must occur by the end of the workday in which the incident occurred, when reasonably possible, but not later than the end of the following workday. The superintendent must inform the board of any such reports. In addition, the principal or designee must notify the parents of students who are alleged to be victims of any reported offenses

Legal Reference: Gun-Free Schools Act, 20 U.S.C. ~~7151~~7961; G.S. 14-17 18, -27.21 to -27.22, -27.24 through -27.27, -27.29, -27.30, -27.33, -32 through -34.10, -39, -87, -202,, -201.1, -201.2,-269.2 ; ch. 90, art. 5; 115C-47(56); -288(g), -325; State Board of Education Policy HRS-A-000

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

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

The board recognizes that emissions that accumulate from school buses can be harmful to students and bus drivers. The board further recognizes that unnecessary bus idling wastes fuel and financial resources. The board is committed to transporting students on school buses in a manner that is safe and consistent with the board's goal of resource conservation. To this end, the board prohibits all unnecessary school bus idling on school grounds. In addition, the board prohibits the warming up of buses for longer than five minutes, except in extraordinary circumstances or circumstances beyond the bus driver's control.

This policy applies to school buses and activity buses when these buses are used to transport students to or from school, extracurricular activities, field trips, and other school-related activities.

The superintendent shall develop procedures consistent with this policy. The superintendent shall ensure that school bus drivers and appropriate school personnel receive training to implement this policy.

Legal References: G.S. 115C-12(34)(b), -36, -47(~~48~~50); State Board of Education Policy TCS-M-003; *N.C. Public School Allotment Policy Manual*, State Allotment Formulas – Transportation of Pupils, Program Report Code 056, available at http://www.ncpublicschools.org/fbs/allotments/general/

Cross References: Resource Conservation (policy 6530)

Adopted:

The school system computers, networks and other technological resources support the educational and administrative functions of the school system. Because employees and students depend on these systems to assist with teaching and learning and because sensitive and confidential information may be stored on these systems, system integrity and security is of utmost importance.

## A. NETWORK AND INFORMATION SECURITY

The school system information technology systems are valuable assets that must be protected. To this end, school technology personnel shall evaluate each information technology asset and assign protective controls that are commensurate with the established value of such assets. Appropriate security measures must be in place to protect all information technology assets from accidental or unauthorized use, theft, modification or destruction and to prevent the unauthorized disclosure of restricted information. Network security measures must include an information technology system disaster recovery process. Audits of security measures must be conducted annually.

All personnel shall ensure the protection and security of information technology assets that are under their control.

## B. SECURITY AWARENESS

The technology director or designee shall provide employees with information to enhance awareness regarding technology security threats and to educate them about appropriate safeguards, network security and information security.

## C. MALWARE PROTECTION

Malware detection programs and practices must be implemented throughout the school system. The superintendent or designee is responsible for ensuring that the school system network includes current software to prevent the introduction or propagation of computer malware.

## D. TRAINING FOR USE OF TECHNOLOGICAL RESOURCES

Users should be trained to use technological resources effectively and in a manner that maintains the security of the network infrastructure and ensures compliance with state and federal law and regulations. Such training should include information related to remote access, virus protection, the state student information and instructional improvement system applications network and information security, and other topics deemed necessary by the superintendent or technology director. Training may be conducted as part of the technology-related professional development program (see policy 3220, Technology in the Educational Program).

## E. ACCESS TO INFORMATION TECHNOLOGY SYSTEMS

Access to the school system's information technology assets will be controlled and managed to ensure that only authorized devices/persons have access.

1. User ID and Password

   All users of information technology systems must be properly identified and authenticated before being allowed to access such systems. The combination of an unique user identification and a valid password is the minimum requirement for granting access to information technology systems. Depending on the operating environment, information involved and exposure risks, additional or more stringent security practices may be required as determined by the superintendent or technology director. The technology director or designee shall establish password management capabilities and procedures to ensure the security of passwords.

2. Student Information System

   The technology director or designee shall ensure that all school system computers with access to the state student information system application pursuant to State Board of Education Policy TCS-C-018 adhere to relevant standards and requirements established by the State Board of Education, including provisions related to user identification and password and workstation security standards. Employees must follow all such standards when using any computers used to access the student information system, including when using the employee's personal computer.

3. Remote Access

   The superintendent and technology director may grant remote access to authorized users of the school system's computer systems. The technology director or designee shall ensure that such access is provided through secure, authenticated and carefully managed access methods.

Legal References: G.S. 115C-523, -524; State Board of Education Policy TCS-C-018

Cross References: Professional Development and Assistance (policy 1610/7800), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Technology Responsible Use (policy 3225/4312/7320), School Improvement Plan (policy 3430), Use of Equipment, Materials and Supplies (policy 6520)

Other References: *State of North Carolina statewide Information Security Manual (Enterprise Security and Risk Management Office, July 2013, available at* https://www.scio.nc.gov/library/pdf/Statewide_Information_Security_Manual_2013.pdf.

http://it.nc.gov/document/statewide-information-security-manual

Adopted: July 1, 2009
Updated: January 14, 2013
Updated: June 3, 2014

The board recognizes that an effective staff is critical to the smooth operations of the school system and to creating a learning environment in which students can succeed. The board further believes that students will not excel in performance unless those who most directly affect students, including school administrators, teachers and other licensed professionals, excel in their performance. For the purposes of this policy, the term "school administrator" is defined as a principal, assistant principal, supervisor or director whose major function includes the supervision of teaching or any other part of the instructional program.

## A. STANDARD FOR INITIAL, EXTENDED, OR RENEWED CONTRACTS

School administrator contracts will be granted, extended or renewed only for individuals of proven ability who strive for excellence. School administrators should be able to facilitate student learning, and effectively carry out the responsibilities of providing for school safety, and enforcing student discipline. The superintendent is expected to be able to substantiate any recommendation for granting a new contract, extending a current contract or renewing a contract with evaluation data, as described in policy 7810, Evaluation of Licensed Employees, or with regard to applicants, with data from the selection process as provided in policy 7100, Recruitment and Selection of Personnel. If the board is not satisfied that an applicant or employee has met the standards established by the board, employment will be denied, following statutorily prescribed procedures and other applicable legal requirements.

## B. TERM OF CONTRACT

### 1. Initial Contracts

Initial contracts between a school administrator and the board will be for a term of two to four years. Four-year contracts will be granted only to exemplary school administrators. Absent unusual circumstances, two-year initial contracts will be granted for individuals who do not have experience as school administrators. In addition, one-year contracts may be granted to individuals who hold a provisional assistant principal's license.

### 2. Subsequent Contracts

Subsequent contracts between a principal or assistant principal and the board will be granted for a term of four years.

## C. PERFORMANCE EXPECTATIONS

An employee who has a school administrator contract with the school system is expected to continue to strive for excellence, meet all performance standards established by the

board, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any employee who is unable or unwilling to meet reasonable standards of the board may be subject to demotion or dismissal, as provided in policy 7930, Professional Employees: Demotion and Dismissal, and in accordance with statutorily prescribed procedures.

**D. PROCEDURE FOR NEW, RENEWED, OR EXTENDED CONTRACTS**

**1.** Decisions of the superintendent and board with regard to recommendations and offers and decisions not to recommend or offer new, renewed, or extended contracts will be made in accordance with G.S. 115C-287.1.

**2.** If the superintendent decides not to recommend that the board offer a school administrator a new, renewed or extended contract, the employee has all procedural rights accorded by G.S. 115C-287.1.

**3.** In considering a recommendation of the superintendent to offer a school administrator a new, renewed, or extended contract, the board may review any information that was in the employee's personnel file at the time of the superintendent's recommendation. If the board determines that it needs additional information to reach a decision, it will notify the administrator of the board's concerns and of the additional information that it is considering and provide an opportunity for the employee to respond to the additional information.

Legal References: G.S. 115C-36, -47(18), -284(c), -287.1, -289, -325.1 et seq,. *Tobe-Williams v. New Hanover Co. Bd. Of Educ.*_234N.C. App._, 453759 S.E.2d 680 (2014)

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)

Adopted: May 1, 2000
Updated: June 2, 2014
Updated: August 3, 2009
Updated March 2, 2010
Updated: April 6, 2009
Updated: March 2, 2015
Updated: November 7, 2016

## A. HIGHLY QUALIFIED TEACHERS DEFINED

1. Elementary School Teachers

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

2. Middle and High School Teachers

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

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

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

1) an undergraduate major;

2) coursework equivalent to an undergraduate major;

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

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

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

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

To be a "highly qualified" teacher in an exceptional children's class or ESL class, a teacher must have the exceptional children's and/or ESL license required for the teaching assignment. The teacher must also demonstrate the subject knowledge and teaching skills in the content areas taught by passing the ~~PRAXIS II~~ State Board of Education approved exams required for the license within the time period

established by state law. This paragraph applies to exceptional children's teachers and ESL teachers who are the teachers of record for core academic areas.

4. Out-of-State Teachers

An out-of-state teacher who submits documentation that he or she has been deemed "highly qualified" in another state will be designated "highly qualified" in North Carolina provided that he or she has at least a bachelor's degree from an accredited college or university. This documentation may include satisfactory test scores from the originating state, verification of satisfactory completion of the High Objective Uniform State Standard for Evaluation (HOUSSE) for the originating state, or verification of National Board Certification.~~, as authorized by the No Child Left Behind Act.~~

5. Veteran Teachers

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

## B. BEGINNING TEACHER SUPPORT PROGRAM PLAN

The plan for beginning teacher support must:

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

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

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

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

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

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

7. Provide for a minimum of four observations per year in accordance with G.S. 115C-333 or G.S. 115C-333.1, using the instruments adopted by the SBE for such purposes. The plan must also address the appropriate spacing of observations

throughout the year and specify a date by which the annual evaluation is to be completed.

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

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

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

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

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

13. Document that the board has adopted the plan.

Legal References: ~~No Child Left Behind Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-56;~~ G.S. 115C-296, -296.2, -325(e)(1)(m), -333, -333.1~~, -325(e)(1)(m)~~; State Board of Education Policy TCP-A-000, -001, -004, -016

Cross References:

Adopted: April 6, 2009
Updated: December 5. 2011
Updated: November 7, 2016