MONTGOMERY COUNTY SCHOOLS
Life-Ready
Globally Competitive

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TO: Board of Education

FROM: Dr. Emily Shaw

DATE: May 6, 2024

Attached you will find proposed Policy Codes for your consideration:

- **Policy 1310/4002-**Parental Involvement
- **Policy 1760/7280**-Prohibition Against Retaliation
- **Policy 2127**-Board Member Technology Use
- **Policy 3220-**Technology in the Educational Program
- **Policy 3225/4312/7320**-Technology Responsible Use
- **Policy 3620**-Extracurricular Activities and Student Organizations
- **Policy 4040/7310**-Staff-Student Relations
- **Policy 4240/7312**-Child Abuse and Related Threats to Child Safety
- **Policy 4270/6145**-Concussion and Head Injury
- **Policy 5071/7351**-Electronically Stored Information Retention
- **Policy 6125**-Administering Medicines to Students
- **Policy 7130**-Licensure
- **Policy 8340**-Insurance
- **Policy 8510**-School Finance Officer

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May 6, 2024

RE: First Read
Montgomery County School Board Policy

The following 14 policies represent the School Board Association's revision recommendations.

Policy #	Name	Explanation
1310/4002	Parental Involvement	**Strongly Recommended Changes to the policy** ● Adds reference to the notifications required by law when a school is identified as low-performing ● Clarifies language in several sections ● References reporting requirements **Recommended Changes to the policy** ● Adds language academically and/or intellectually gifted ● Clarifies language in several sections ● Legal references
1760/7280	Prohibition Against Retaliation	**Recommended Changes to the policy** ● Clarifies language
2127	Board Member Technology Use	**Required Changes to the policy** ● Changes Twitter to X ● Language revised to reflect legal standard concerning personal liability of personal media platforms ● Legal references
3220	Technology in the Educational Program	**Recommended Changes to the policy** ● New section to define and address the use of generative artificial intelligence ● Adds information about providing training on the use of generative artificial intelligence ● Updates the other resources
3225/4312/ 7320	Technology Responsible Use	**Recommended Changes to the policy** ● Generative artificial intelligence guidelines will be added to the Technology Use Agreement ● Adds other resources

3620	Extracurricular Activities and Student Organizations	**Strongly Recommended Changes to the policy** ● Removes language referencing NCHSAA eligibility rules and adds reference to applicable eligibility standards of law **Recommended Changes to the policy** ● Removes local attendance standard for interscholastic athletics participation (in light of the forthcoming SBE attendance standard that will be in effect July 1, 2024) ● minor editorial changes ● Legal references **Optional** ● grant students who transfer within the district immediate eligibility to participate in interscholastic athletics ● Need to select an option addressing the participation of homeschooled students in interscholastic athletics
4040-7310	Staff-Student Relations	**Recommended Changes to the policy** ● Revises language to contain the reporting requirements from 16 N.C.A.C.6C.0608 (inappropriate staff-student relations) ● Legal references ● cross-references
4240/7312	Child Abuse and Related Threats to Child Safety	**Required Changes to the policy** ● Statutory requirements ● Legal references **Recommended Changes to the policy** ● Revises language concerning reporting requirements from 16 N.C.A.C.6C.0608 (inappropriate staff-student relations) ● Cross References
4270/6145	Concussion/Head Injury	**Required Changes to the policy** ● Updates statutory references throughout policy ● Legal references **Recommended Changes to the policy** ● Minor wording changes
5071/7351	Electronically Stored Information Retention	**Required Changes to the policy** ● Legal references
6125	Administering Medicines to Students	**Required Changes to the policy** ● Updates the name of N.C. Department of Health and Human Services ● Updates resources
7130	Licensure	**Strongly Recommended Changes to the policy** ● New section addressing the mandatory reporting of misconduct of a licensed employee **Recommended Changes to the policy**

		● Legal references
8340	Insurance	**Recommended Changes to the policy** ● Amends language to include other types of liability not just insurance
8510	School Finance Officer	**Strongly Recommended Changes to the policy** ● Updates duties of SFO based on SBE Policy FINO-000 ● Adds section to address continuing education **Recommended Changes to the policy** ● Legal references ● Cross references

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

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

PARENTAL INVOLVEMENT PLANS

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

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

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

b. responsible parenting;

c. involvement of parents in student learning;

d. parental volunteering in the school;

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

f. parental training based on parents' informational needs;

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

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

2. Title 1 Parent and Family Engagement Plan

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

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

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

B. PARENT COMMUNICATION, PARTICIPATION, AND CONFERENCES

1. Communication with Parents

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

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

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

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

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

2. Parent Participation at Schools

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

3. Conferences

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

C. PARENTAL NOTIFICATION

1. Title 1 Notifications

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

2. Parent Guide for Student Achievement

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

   At a minimum the guide will include the following:

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

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

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

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

   e. opportunities for parents to learn about rigorous academic programs that may be available for their child, such as academically and/or intellectually gifted programming, honors programs, Career and College Promise and other dual enrollment opportunities, advanced placement, Advanced International Certificate of Education (AICE) courses, International Baccalaureate, North Carolina Virtual High School courses, and accelerated access to postsecondary education;

   f. educational choices available to parents, including each type of public school unit available to residents of the county in which the child lives and nonpublic

school options, educational choice options offered within the school system, and programs for scholarship grants for nonpublic schools (Part 2A of Article 39 of Chapter 115C;

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

h. contact information for school and unit offices;

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

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

3. Additional Annual Notifications

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

    iii. the percentage and number of students who are:
        1. assessed,
        2. assessed using alternate assessments,

3. involved in preschool and accelerated coursework programs, and
4. English learners achieving proficiency;

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

v. teacher qualifications.

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

p. if the school and/or the school system is identified by the State Board of Education as low-performing, the notifications required by G.S. 115C-105.37(b) and/or G.S. 115C-105.39A(c),

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

~~q.~~r. 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;

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

~~s.~~t. 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);

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

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

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

~~w.~~x. 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;

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

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

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

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

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

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

4. Opportunities to Withhold Consent/Opt Out Notifications

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

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

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

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

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

e. their child's participation in 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;

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

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

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

D. PARENTAL PERMISSION REQUIRED

Written parental permission is required prior to the following activities:

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

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

3. off-campus trips;

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

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

6. certain health services, as required by law;

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

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

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

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

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

E. PROCEDURES FOR PARENTAL INVOLVEMENT IN STUDENT HEALTH

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

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

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

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

2. Discussions Related to Student Well-Being

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

3. Parent Access to Student Records

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

4. Student Support Services Training

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

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

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

6. Remedies for Parental Concerns Related to Student Health

If a parent has a concern about the school or school system's procedure or practice under Part 4 of Article 7B of Chapter 115C, as described here in Section E of this policy, the parent should submit the concern in writing to the principal. The principal shall schedule and hold a meeting with the parent within five days after the concern was submitted. The principal shall conduct any necessary investigation. If possible, the principal should resolve the concern within seven days after the concern was submitted. If the principal cannot resolve the concern within seven days, the principal shall immediately notify the superintendent or designee. The superintendent or designee shall assist, as needed, in resolving the concern.

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

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

F. PARENT REQUEST FOR INFORMATION

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

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

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

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

G. COMMUNITY SERVICES AVAILABLE

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

H. REPORTING REQUIREMENTS

By September 15 of each year, the superintendent or designee shall report to the State Board of Education parental involvement information as required by State Board of Education Policy PRNT-002 and G.S. 115C-76.70.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12, 7 C.F.R. pt. 245; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq.*, 34 C.F.R. pt. 100; Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*, 34

C.F.R. pt. 106; 20 U.S.C. 7908; G.S. 90-21.1, -21.10B; 95-28.3; 114A-10; 115C-47(47), -47(51), -47(54), -47(58), -76.1, -76.20, -76.25, -76.30, -76.35, -76.40, -76.45, -76.50, -76.55, -76.60,-76.65, -76.70, -81.25, -81.30, -81.36, -105.37(b), -105.39A(c) -105.41, -109.1, -174.26(d), -307, -6G .01701 ;375.4, -390.2, -391.1
-402.15, -407.16; 16 N.C.A.C. 6D .0307; State Board of Education Policies KNEC-002, PRNT-000, and -002, TEST-001

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

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Updated: January 10, 2022
Updated: October 2, 2023

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

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

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

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

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

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

Cross References: Discrimination and Harassment Prohibited by Federal Law (policy 1710/4020/7230), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Grievance Procedure for Employees (policy 1750/7220), Code of Ethics for School Board Members (policy 2120), Board Member Conflict of Interest (policy 2121), Ethics and the Purchasing Function (policy 6401/9100), Discrimination and Harassment in the Workplace (policy 7232), Staff

Responsibilities (policy 7300), Employee Conflict of Interest (policy 7730)

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Updated: May 4, 2010
Updated: June 6, 2016
Updated: December 7, 2020

A. BOARD MEMBER USE OF SCHOOL SYSTEM TECHNOLOGICAL RESOURCES

The board provides its members with access to certain school system technology devices and accounts, including laptops and email accounts, for use in conducting school system business. Board members have a responsibility to use such devices and accounts in a manner that is ethical, respectful, and supportive of the board's duty to provide students with the opportunity to receive a sound, basic education. Like all users of school system technological resources, board members are expected to abide by the generally accepted rules of network etiquette.

1. Responsible Use of School System Technological Resources

   Whenever a board member uses school system computers or other technology devices or accounts or accesses the school network or the Internet using school system resources, the board member must comply with the rules for use listed in Section B of policy 3225/4312/7320, Technology Responsible Use. These rules are intended to clarify expectations for conduct but should not be construed as all-inclusive.

2. Privacy Expectations when Using School System Technological Resources

   Board members should have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used on school system property or elsewhere, and even if the use is for personal purposes. Files or communications created, transmitted, or displayed using school system technological resources or stored on servers or on the storage mediums of individual devices will not necessarily be private. School system personnel may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes, and system outputs, such as printouts, for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel may monitor online activities when the Internet is accessed via a school system-owned device. By using the school system's network, Internet access, email system, devices, or other technological resources, board members consent to have that use monitored by authorized school system personnel as described in this subsection.

B. BOARD MEMBER USE OF PERSONAL TECHNOLOGICAL RESOURCES FOR SCHOOL

SYSTEM BUSINESS

As much as is practicable, board members should use school system technology devices and accounts for conducting school system business and storing school system electronically stored information ("ESI"). Though use of personal technology devices and accounts may be convenient for conducting school system business, such use is discouraged when school system resources are reasonably available.

1. Definition of Personal Technology Devices and Accounts

   For purposes of this policy, "personal technology devices and accounts" means technology devices or accounts that are not under the control of the school system and which the school system does not have the ability to access without the board member's assistance. Personal technology devices include, but are not limited to, computers, phones, tablets, and other technological devices that are owned or leased by a board member. Personal accounts include, but are not limited to, personal email accounts and online file storage services (e.g., file hosting services, cloud storage services, social media sites, and online file storage providers that host user files via the Internet). Board member use of personal social media sites is also subject to Section C of this policy.

2. School System ESI on Personal Technology Devices and Accounts

   School system business-related ESI sent and/or received by a board member using a personal technology device or account may constitute a public record or student education record and, as a result, may require retention and disclosure by the school system. In the event of litigation, school system business-related ESI located on a personal technology device or account may be subject to discovery and a litigation hold. Board members are cautioned that using personal technology devices or accounts to conduct school system business or to store school system business-related ESI will significantly reduce their expectation of privacy in those devices or accounts. Board members should avoid the use of personal technology when conducting school system business to prevent a conflict between board members' interests in privacy in their personal technology devices and accounts and the school system's legal obligation to preserve certain school system business-related ESI.

   Board members are expected to immediately transfer any school system business-related ESI sent and/or received by the board member using a personal technology device or account to a school system account for proper retention and storage. Board members shall cooperate with school officials in accessing any school system business-related ESI stored on personal technology devices or accounts.

C. BOARD MEMBER USE OF PERSONAL SOCIAL MEDIA

The board recognizes that board members may engage in the use of personal social media

to communicate with friends, family, and/or the community. Board members are expected to exercise good judgment in their online interactions, remaining mindful of their ethical obligations as described in policy 2120, Code of Ethics for School Board Members.

1. Definition of Personal Social Media

   For purposes of this policy, "personal social media" means any social media networks, tools, or activities that are not under the control of the school system. Social media refers to the various online technology tools that enable people to communicate easily over the Internet to share information and resources. It includes, but is not limited to: personal websites, blogs, wikis, social networking sites, online forums, virtual worlds, video-sharing websites, and any other Internet-based applications which allow the exchange of user-generated content. Examples of social media include Web 2.0 tools, Facebook, X (formerly Twitter), LinkedIn, Flickr, YouTube, Instagram, Google+, and social media components of learning management systems such as Canvas, Moodle, or Edmodo.

2. Guidelines for All Types of Personal Social Media Use

   Content posted online may be viewed by anyone, including students, parents, employees, and community members. As public officials, board members should be aware that their online behavior serves as an example to employees and students even when they are not engaging directly in school system-related business. The following standards should guide board members' online conduct.

   a. Board members should be professional in all Internet postings related to or referencing the school system, students or their parents, and other employees.

   b. Board members may not post confidential information about students, employees, or school system business.

   c. Board members should not post identifiable images of a student or student's family on a personal social media site without permission from the student and the student's parent or legal guardian.

   d. Board members may not use postings to libel or defame the board, individual board members, students, or school system employees.

   e. Board members should not use personal social media to harass, bully, or intimidate students, employees, or other board members.

   f. Board members may not use personal social media to engage in any other conduct that violates board policy or administrative procedures or state and federal laws.

3. Guidelines for Personal Social Media Use That Is School System-Related

The school system controls and maintains the school system's official website, as well as the school system's official Facebook and ~~Twitter~~ X accounts. The school system website and social media accounts present information from the local school administrative unit and are not forums for expressing views of individual board members, employees, or members of the public.

Individual board members, acting in their capacity as public officials, may choose to establish personal social media accounts to facilitate their own communications with the community. The following standards are provided to guide board members' personal social media use for school system-related purposes.

a. When presenting information on personal social media, board members should clearly indicate that the information posted reflects the views of the individual board member and is neither endorsed by the board nor necessarily reflective of the views of the board or of an official board policy.

b. A personal social media platform that allows comments from the community may elicit complaints or inquiries from parents or interested citizens concerning school matters. In such cases, the board member should refer the complainant to the appropriate school system administrator in accordance with policy 2122, Role of Board Members in Handling Complaints.

c. Board members should be aware of the potential for liability ~~that~~ when they use a personal social media account in their capacity as a public official. Actions taken on social media platforms may subject a board member to legal liability if the actions infringe upon someone's free speech or other constitutional rights and the actions are authorized by the board and carried out in the board member's official capacity or in furtherance of the member's official responsibilities. Board members must be particularly aware of this risk when ~~and~~ allowing community members to post comments publicly on the member's personal social media account, as such comments may be deemed ~~they may be creating a "public forum" for~~ speech protected by the First Amendment. ~~If a "public forum" is created, the board member must be careful not to engage in v~~Viewpoint discrimination, such as ~~by, for example,~~ deleting a community member's comment because the board member does not like the view expressed in the comment or blocking only certain individuals from being able to post based on their views, may then be an unlawful infringement of protected speech. Board members are encouraged to consult with an attorney to create viewpoint-neutral rules to govern their school system business-related personal social media accounts.

Legal References: U.S. Const. amend IV; Stored Communications Act, 18 U.S.C. 2701, *et seq.*; Computer Fraud and Abuse Act, 18 U.S.C. 1030; G.S. 14-454, -458; Lindke v. Freed, 601 U.S. (2024) ~~*Davidson v. Randall*, 912 F.3d 666 (4th Cir. 2019)~~

Cross References: Code of Ethics for School Board Members (policy 2120), Role of Board

Members in Handling Complaints (policy 2122), Technology Responsible Use (policy 3225/4312/7320), Use of Personal Technology to Conduct School Business (policy 3228/7323), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Electronically Stored Information Retention (policy 5071/7351)

Adopted: July 6, 2020

In alliance with the North Carolina Digital Learning Plan, the board is committed to establishing and supporting effective digital teaching and learning practices supported by contemporary information and communications technology systems to foster globally competitive students prepared for modern life. The board recognizes the benefits of digital and technology-enabled and-enhanced teaching and learning resources that provide the ability to make data more accessible, personalize learning, easily customize curriculum, provide access to current information, and enable access to quality materials at a lower cost than traditional materials. To that end, the board supports classroom digital and technology-enabled and-enhanced teaching and learning resources that are aligned with the current statewide instructional standards. In addition, to the extent funding permits, the board will endeavor to ensure that all students have access to personal digital and technology-enabled teaching and learning devices to foster the skills necessary for future-ready learners

The board expects that information and communications technologies will be integrated seamlessly across the curriculum and used to support student achievement and to prepare students to be successful in college, in careers, and as globally engaged, productive citizens. The curriculum committee should provide suggestions in the curriculum guides referenced in policy 3115, Curriculum and Instructional Guides, for integrating technological resources (as defined in Section A below) into the educational program. School administrators and teachers are encouraged to develop additional strategies for integrating technological resources across the curriculum and utilizing the power of technology to personalize learning and improve learning outcomes while making more efficient use of resources. The strategies should be included in the school improvement plan if they require the transfer of funds or otherwise relate to any components of the school improvement plan.

The superintendent shall oversee development of the school system's digital teaching and learning vision as part of the school system's strategic plan and yearly action plan that aligns to the vision. The development and ongoing review of the vision and the action plan will include various stakeholders such as curriculum leaders, teachers, administrators, students, parents, and representatives from technology services, instructional technology, finance, and other departments as required. The action plan will include adequate data privacy protections to secure student data and will take into account the level of out-of-school Internet access for students.

The superintendent may establish relationships with businesses and seek grants and other funding sources in an effort to acquire additional technological resources for the educational program and to support continuous out-of-school Internet access for students

A. SELECTION OF TECHNOLOGICAL RESOURCES

Technological resources are information and communications technologies including, but not limited to, the following:(1)hardware, including both fixed and mobile technologies and devices such as desktopcomputers,laptops,netbooks,tablets,e-readers,smartphones,andgaming devices; (2)software, including cloud-based and web-based applications, programs, and platforms;

(3)network and telecommunications systems and services; (4) Internet access;(5)multimedia equipped classrooms; (6)computer classrooms and laboratories; and(7) other existing or emerging mobile communications systems. All technological resources must be purchased and used in a manner consistent with applicable law and board policy, including laws and policies related to copyright, public records, bidding, and other purchase requirements, accessibility for students with disabilities, staff duties, and standards for student behavior.

Technological resources must meet or exceed the following standards before they may be considered for implementation.

1. Technological resources must support the current statewide instructional standards or the programs of the school system.

2. Technological resources must support the current use of learning and instructional management technologies in the school.

3. Technological resources must be compatible with the condition of the network and other infrastructure resources. The technology director shall set minimum standards for technological resources that are purchased or donated. Upgrading, hardware conditions, and similar requirements must be maintained to the highest standards.

4. There must be sufficient staff to operate and maintain the technological equipment, programs, and systems.

5. There must be adequate funds budgeted to implement and support the technological resources and to train instructional staff to use the resources to improve educational outcomes.

Procurement of technological resources should be done in collaboration with teachers and technical support staff, as appropriate. Whenever possible, a pilot period to test the resource should occur prior to full purchase.

B. DEPLOYMENT OF TECHNOLOGY TO SCHOOLS

The superintendent shall oversee the development of the school system's technology deployment and refresh plan. The plan will be designed to ensure organized, effective, efficient, and sustainable means of deploying and maintaining technology resources and will establish appropriate refresh/replacement cycles. The superintendent shall develop procedures that outline the strategy of the technology deployment and refresh plan.

C. BRING YOUR OWN TECHNOLOGY (BYOT) INITIATIVE

The superintendent is authorized to investigate and develop a plan to allow staff and students the option to use their personal electronic devices in place of or along with their school system assigned devices. The plan should address, at a minimum, the instructional

use of personal devices, compatibility requirements, access limitations or requirements, content filtering, security, and other issues as recommended by the technology director. The plan should assign personal responsibility to the user for repair and replacement of damaged or stolen devices and for any data or other charges arising from use of a personal device. The plan should require a written agreement for the use of personal technology devices from each student and staff member who wishes to participate in the BYOT initiative. The plan should ensure that students who are unable to bring in outside technology will be able to access and utilize school equipment so that no student is excluded from instruction due to lack of access to technology.

D. ELECTRONIC COMMUNICATION AND OTHER COLLABORATIVE TOOLS

The superintendent is authorized to permit instructional personnel to incorporate email, social networking sites, blogs, wikis, video sharing sites, podcasts, video conferencing, online collaborations, instant messaging, texting, virtual learning environments, and/or other forms of direct electronic communications or Web 2.0 applications for educational purposes to the extent the superintendent deems appropriate and in accordance with policy 7335, Employee Use of Social Media. The superintendent shall establish parameters and rules for use of these tools and shall require instruction for students in how to use such tools in a safe, effective, and appropriate way. Instructional personnel shall make all reasonable attempts to monitor student online activity and shall otherwise comply with the requirements of policy 3225/4312/7320, Technology Responsible Use, when using these tools.

E. GENERATIVE ARTIFICIAL INTELLIGENCE

Generative artificial intelligence (AI) is an artificial intelligence tool that responds to a user's input or prompt by generating new text, images, audio, video, or content based on what it learned in its training data set. The board encourages the use of generative AI by school system employees and students to expand their skills and capabilities and to prepare students for a future AI-enhanced world. The superintendent or designee shall develop and maintain guidelines that detail the acceptable and responsible use of generative AI by school system employees and students. See also policy 3225/4312/7320. Technology Responsible Use.

All school system employees and students should be AI literate, that is, have an understanding of basic AI principles and applications, the skills to recognize when AI is employed, and awareness of its limits. The superintendent or designee shall develop a comprehensive AI literacy training strategy that involves training all employees and students in the effective, ethical, and safe use of generative AI tools. The training should equip employees with the necessary knowledge to effectively employ generative AI in their work while ensuring its safe and responsible integration into classroom instruction.

~~E.~~F. TECHNOLOGY-RELATED PROFESSIONAL DEVELOPMENT

The superintendent shall plan a program of professional development for digital teaching and learning that prepares administrators, teachers, coaches, school library media

coordinators, and technical support staff to utilize digital tools and resources in accordance with the N.C. Digital Learning Competencies for Teachers and Administrators. Professional development shall emphasize technology integration and continuous improvement, including the use of ongoing technology-integrated online-learning activities throughout the course of study and the provision of personalized learning. Professional development shall also address the ethical, legal, and practical issues related to social networking and mobile devices in the classroom and other topics deemed necessary by the superintendent or technology director. In addition, professional development shall involve training or generative AI, including its impact, effective use, capabilities, limitations, concerns, and responsible use. Staff will be trained both to use generative AI professionally and to guide students to effectively and ethically use generative AI as a learning partner. To the extent possible, job-specific professional development opportunities should be made available, as well as professional development that is personalized to meet the needs of individual staff.

School improvement teams should identify any staff development appropriations for technology-related professional development in their school improvement plans. The superintendent and technology director should assist schools in coordinating staff development needs as provided in policy 1610/7800, Professional and Staff Development.

Legal References: G.S. 115C-522, -528; 143B-1341; State Board of Education Policy SBOP-018

Cross References: Professional and Staff Development (policy 1610/7800), Curriculum and Instructional Guides (policy 3115), Technology Responsible Use (policy 3225/4312/7320), Internet Safety (policy 3226/4205), Copyright Compliance (policy 3230/7330), School Improvement Plan (policy 3430), Integrity and Civility (policy 4310), Public Records – Retention, Release, and Disposition (policy 5070/7350), Network Security (policy 6524), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335), Gifts and Bequests (policy 8220)

Other Resources: North Carolina Digital Teaching and Learning Competencies for Teachers and Administrators, available at https://www.dpi.nc.gov/districts-schools/districts-schools-support/digital-teaching-and-learning/digital-teaching-learning-standards#digital-learning-competencies-for-educators; The North Carolina Digital Learning Plan(2022),available athttps://www.dpi.nc.gov/districts-schools/districts-schools-support/digital-teaching-and-learning/digital-learning-initiative#:~:text=The%20North%20Carolina%20Digital%20Learning%20Plan%20describes%20the,Learning%20Initiative.%202022%20North%20Carolina%20Digital%20Learning%20Plan North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools, available at https://go.ncdpi.gov/AI_Guidelines

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The board provides students and staff access to a variety of technological resources. These resources provide opportunities to enhance learning, appeal to different learning styles, improve communication within the school community and with the larger global community, and achieve the educational goals established by the board. 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 expected to be exercised in an appropriate and responsible manner. 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 school technological resources, including access to the Internet.

In addition, anyone who uses school system computers or electronic devices accesses the school's electronic storage or network, or connects to the Internet using school system-provided access 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.

All students must be trained about appropriate online behavior as provided in policy 3226/4205, Internet Safety.

Failure to adhere to the requirements of this policy will result in disciplinary action, including revocation of user privileges. Willful misuse may result in criminal prosecution under applicable state and federal law, disciplinary action for students, and/or adverse personnel action for employees.

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 unless approved for special situations by the teacher or school administrator. 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 school system business, and is not otherwise prohibited by board policy or procedure.

2. Unless authorized by law to do so, users may not make copies of software purchased by the school system. Under no circumstance may software purchased by the school system be copied for personal use.

3. Users must comply with all applicable laws, board policies, administrative regulations, and school standards and rules, including those relating to copyrights and trademarks, confidential information, and public records. 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.

4. Users must follow any software, application, or subscription services terms and conditions of use.

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.

6. Users must not circumvent fire walls. 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.

    a. Students must not reveal any personally identifying, private, or confidential

information about themselves or fellow students when using email, chat rooms, blogs, or other forms of electronic communication. Such information includes, for example, a person's home address or telephone number, credit or checking account information, or social security number. For further information regarding what constitutes personal identifying information, see policy 4705/7825, Confidentiality of Personal Identifying Information.

b. 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.

c. Users may not forward or post personal communications without the author's prior consent.

d. Students may not use school system technological resources to capture audio, video, or still pictures of other students and/or employees in which such individuals can be personally identified, nor share such media in any way, without consent of the students and/or employees and the principal or designee. An exception will be made for settings where students and staff cannot be identified beyond the context of a sports performance or other public event or when otherwise approved by the principal.

10. Users may not intentionally or negligently damage computers, computer systems, electronic devices, software, computer networks, or data of 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, including by streaming audio or video for non-instructional purposes. Users may not disable antivirus programs installed on school system-owned or issued devices.

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 or account without permission from the individual. Sharing of an individual's ID or password is strongly discouraged. If an ID or password

must be shared for a unique classroom situation, students must 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., the state student information and instructional improvement system applications, time-keeping software, etc.) for an unauthorized or improper purpose.

16. If a user identifies or encounters an instance of unauthorized access or another security concern, he or she must immediately notify a teacher, school system administrator, or the technology director or designee. Users must not share the problem with other users. Any user identified as a security risk will be denied access.

17. It is the user's responsibility to back up data and other important files.

18. Employees shall make reasonable efforts to supervise students' use of the Internet during instructional time.

19. 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.

20. Users who are issued school system-owned and -maintained devices for home use (such as laptops, Chromebooks, etc.) must adhere to any other reasonable rules or guidelines issued by the superintendent or technology director for the use of such devices.

21. 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).

22. 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 diverse 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 material 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 using a cellular network to connect a personal device to the Internet.

D. PRIVACY

Students, employees, visitors, and other users have no expectation of privacy in anything they create, store, send, delete, receive, or display when using the school system's network, devices, Internet access, email system, or other technological resources owned or issued by the school system, whether the resources are used at school or elsewhere, and even if the use is for personal purposes. Users should not assume that files or communications created, transmitted, or displayed using school system technological resources or stored on servers, the storage mediums of individual devices, or on school managed cloud services will be private. Under certain circumstances, school officials may be required to disclose such electronic information to law enforcement or other third parties, for example, as a response to a document production request in a lawsuit against the board, in response to a public records request, or as evidence of illegal activity in a criminal investigation.

The school system may, without notice, (1) monitor, track, and/or log network access, communications, and use; (2) monitor and allocate fileserver space; and (3) access, review, copy, store, delete, or disclose the content of all user files, regardless of medium, the content of electronic mailboxes issued by the school system, and system outputs, such as printouts, at any time for any lawful purpose. Such purposes may include, but are not limited to, maintaining system integrity, security, or functionality, ensuring compliance with board policy and applicable laws and regulations, protecting the school system from liability, and complying with public records requests. School system personnel shall monitor online activities of individuals who access the Internet via a school-owned device.

By using the school system's network, Internet access, electronic devices, email system, devices, or other technological resources, individuals consent to have that use monitored by authorized school system personnel as described in this policy.

E. USE OF PERSONAL TECHNOLOGY ON SCHOOL SYSTEM PROPERTY

Users may not use private WiFi hotspots or other personal technology on campus to access the Internet outside the school system's wireless network. Each principal may establish rules for his or her school site as to whether and how other personal technology devices (including, but not limited to smart phones, tablets, laptops, etc.) may be used on campus. Students' devices are governed also by policy 4318, Use of Wireless Communication Devices. Use of personal technology devices is also subject to any rules established by the superintendent under a bring your own device plan authorized by Section C of policy 3220, Technology in the Educational Program, and for employees, policy 3228/7323, Use of Personal Technology to Conduct School Business. The school system assumes no responsibility for personal technology devices brought to school.

F. 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 online 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 to the extent consistent with law (see the student behavior policies in the 4300 series).

2. Employees

   Employees' personal websites are subject to policy 7335, Employee Use of Social Media. Employees may not use their personal websites to communicate with students, as prohibited by policy 7335 and policy 4040/7310, Staff-Student Relations.

3. Volunteers

   Volunteers are to maintain appropriate relationships with students at all times. Volunteers are encouraged to block students from viewing personal information on volunteer personal websites or online networking profiles in order to prevent the possibility that students could view materials that are 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.

G. USE AGREEMENTS

All students, parents, and employees will be informed annually of the information in this policy and in any applicable generative artificial intelligence (AI) guidelines developed in accordance with policy 3220, Technology in the Educational Program. Prior to using school system technological resources, students and employees must agree to comply with the requirements of this policy and the generative AI guidelines and consent to the school system's use of monitoring systems to monitor and detect inappropriate use of technological resources. In addition, the student's parent must consent to the student accessing the Internet and to the school system monitoring the student's Internet activity and electronic mailbox issued by the school system and must sign a copy of the generative AI guidelines.

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

Cross References: Curriculum and Instructional Guides (policy 3115), Technology in the Educational Program (policy 3220), Internet Safety (policy 3226/4205), Web Page Development (policy 3227/7322), Use of Personal Technology to Conduct School Business (policy 3228/7323), Copyright Compliance (policy 3230/7330), 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)

Other Resources: North Carolina Generative AI Implementation Recommendations and Considerations for PK-13 Public Schools, available at https://go.ncdpi.gov/AI_Guidelines

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

A. REQUIREMENTS FOR PARTICIPATION IN EXTRACURRICULAR ACTIVITIES

Participation in extracurricular activities, including student organizations and interscholastic athletics, is a privilege, not a right, and may be reserved for students in good academic standing who meet behavior standards established by the board, the superintendent, or 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 failed to meet any applicable attendance requirements; (3) has violated the student conduct standards found in the 4300 series of policies; or (4) has violated school rules for conduct. School administrators choosing to exercise this authority to restrict participation shall provide this policy and any additional rules, including attendance requirements, developed by the superintendent or the principal to all parents, guardians, and students.

B. ADDITIONAL RULES FOR SPECIFIC ACTIVITIES

1. Interscholastic Athletics

a. General Rules

In addition to meeting the general requirements listed above, to be eligible for interscholastic athletics participation, students must ~~have been in daily attendance 85 percent of the previous semester and must~~ meet all applicable eligibility standards of law and the State Board of Education, ~~the North Carolina High School Athletic Association, and the North Carolina Department of Public Instruction~~, as well as any locally established requirements for interscholastic athletics participation

b. Participation by Sixth Graders

Students in the sixth grade are [eligible to participate in all interscholastic athletics except tackle football]

c. Students Who Transfer Schools Within the School System

It is policy of the board that a student who transfers from one school in the

school system to another school in the school system will be immediately eligible to participate in interscholastic athletics at the new school, otherwise permitted under the rules of the State Board of Education.

~~A student participating in high school interscholastic athletics may participate only on the team consistent with the gender on the student's birth certificate unless otherwise permitted under North Carolina High School Athletic Association rules and regulations.~~

d. Home School Students

Any home school student whose primary residence (as defined in 16 N.C.A.C. 6E. 0207) is in the school system and who is dually enrolled in accordance with the school system's enrollment and assignment policies and procedures is eligible to participate in high school interscholastic athletics if the student complies with the requirements of this subsection and meets all applicable eligibility standards of law and the State Board of Education as well as any applicable locally established requirements for interscholastic athletics participation.

The students must present a home school card from the Division of Non-Public Education for the previous and current years as well as a transcript, attendance record, and immunization records. Prior to the first date of practice, the student must provide the results of a nationally standardized achievement test, taken within the last year, that indicates the student was on grade level at the time the test was taken. The student must also present proof of catastrophic accident insurance coverage unless the student is covered under the board's catastrophic athletic accident insurance policy.

The student must have been enrolled in a registered home school for 365 days prior to participation in athletics. Once dually enrolled and deemed eligible to participate in athletics, the student must maintain continuous dual enrollment. Failure to maintain continuous dual enrollment would render the student ineligible for athletic participation for 365 days.

The student must participate in a class schedule at the assigned school that is at least one half of the assigned school's instructional day. At least one class must be taken on campus each semester. The student must pass all classes in which the student is enrolled at the assigned school in order to maintain athletic eligibility.

The student must notify the principal of the assigned school in writing of the student's intent to try out for an athletic tam at least 10 days prior to the first practice date of each sport season in which the student wishes to participate. Failure to comply with this requirement renders the student ineligible for that sport season.

2. Student-Initiated, Noncurriculum-Related Student Groups at the Secondary Level

Student-initiated, noncurricular-related, secondary school student groups will be permitted to conduct voluntary meetings on school grounds during noninstructional time, regardless of the size of the group or the religious, political, philosophical, or other content of the speech at the meetings, provided that the meetings do not materially and substantially interfere with the orderly conduct of the educational activities of the school. The principal shall establish viewpoint neutral rules governing such meetings, including restrictions on when and where meetings may occur.

School employees may not promote, lead, or participate in student-initiated meetings but may be present at meetings to maintain order and discipline, to protect the well-being of the students and faculty, and to assure that attendance of students at the meetings is voluntary. School employees may not influence the form or content of any prayer or other religious activity or require any person to participate in prayer or other religious activity. In addition, non-school persons may not direct, conduct, control, or regularly attend the activities of the groups.

No public funds will be expended on behalf of the student-initiated, noncurriculum-related student groups except for the incidental cost of providing space for the group meetings.

Student-initiated, noncurriculum-related groups will have the same access to communication channels for publicizing their meetings as is allowed to all other noncurriculum-related student groups. However, school officials may indicate in such communications that the meetings are not sponsored by the school.

For purposes of this section, a noncurriculum-related student group is one that is not directly related to the curriculum. A student group will be considered curriculum-related only if (1) the group's subject matter is taught in a regularly offered course or relates to the curriculum as a whole; (2) participation in the group is required as part of a course; or (3) participation in the group results in course credit.

C. SPECIAL CIRCUMSTANCES

1. Students with Disabilities

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

2. Children of Military Families

School administrators shall facilitate the inclusion and participation in extracurricular activities of children of military families, as defined in policy 4050, Children of Military Families, transferring into the school, to the extent they are otherwise qualified, by:

a. providing information about extracurricular activities to incoming children of military families; and

b. waiving application deadlines.

~~3. Athletic Participation by Home School Students~~

~~Home school students who are dually enrolled in accordance with the school system's enrollment and assignment policies and procedures are eligible to participate in high school interscholastic athletics if they comply with all of the following.~~

~~a. The student must present a home school card from the Division of Non-Public Education for the previous and current years, as well as a transcript, attendance record, and record immunizations.~~

~~b. The student must submit proof that the student has been enrolled in a registered home school for 365 days prior to participation in athletics.~~

~~c. Prior to the first date of practice, the student must provide the results of a nationally standardized achievement test, taken within the last year, that indicates the student was on grade level at the time the test was taken.~~

~~d. The student must participate in a class schedule that is at least one half of the assigned school's instructional day. At least one class must be taken on campus each semester.~~

~~e. The student must pass all classes in which the student is enrolled at the assigned school in order to maintain athletic eligibility.~~

~~f. Once dually enrolled and deemed eligible to participate in athletics, the student must maintain continuous dual enrollment. Failure to maintain continuous dual enrollment would render the student ineligible for athletic participation for 365 days.~~

~~g. The student must notify the principal of the assigned school in writing of the student's intent to try out for an athletic team at least 10 days prior to the first practice date of each sport season in which the student wishes to participate. Failure to comply with this requirement renders the student ineligible for that sport season.~~

~~h. The student must comply with all other applicable North Carolina High School Athletic Association rules and regulations regarding eligibility for athletic participation.~~

~~A dually enrolled student who transitions to full enrollment within the school system will then be governed by State Board of Education and North Carolina High School Athletic Association rules and regulations regarding fully enrolled students.~~

5. Athletic Participation by Early College Students Montgomery County High School students attending the Montgomery County Early College on the campus of Montgomery Community College will be allowed to participate in athletics at their "home" school.

6. APPEALS PROCESS

The grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized by parents or students who believe that a student has been aggrieved by a decision made pursuant to this policy.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12132, 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*, 34 C.F.R. pt. 300; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; G.S. 115C art. 9, 115C-12(23),-47(4), -390.2, -407.5, -407.55, -407.59, -407.60, -407.65, -407.70; -407.75;16 N.C.A.C. 6E .0204; State Board of Education Policy ATHL-001; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy EXCP-000; N.C. High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook Middle/Junior High School Athletic Manual (NCDPI), available at http://www.dpi.nc.gov/districts-schools/classroom-resources/academic-standards/programs-and-initiatives/nc-healthy-schools/athletics

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Evaluation of Student Progress (policy 3400), Student Promotion and Accountability (policy 3420), School Improvement Plan (policy 3430), Children of Military Families (policy 4050), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), School Assignment (policy 4150), North Carolina Address Confidentiality Program (policy 4250/5075/7316), Student Behavior Policies (4300 series), Attendance (policy 4400), Community Use of Facilities (policy 5030)

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

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

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

A. ROMANTIC RELATIONSHIPS AND SEXUAL CONTACT PROHIBITED

All employees are prohibited from dating, courting, or entering into a romantic relationship or having sexual contact with any student enrolled in the school system regardless of the student's age. Employees engaging in such inappropriate conduct will be subject to disciplinary action, up to and including dismissal, and may be subject to criminal action as provided in G.S. 14-202.4 and 14-27.32. Further, school system personnel shall provide no assistance to an employee in finding another job, beyond the routine transmittal of personnel or administrative files, if the employee engaged in sexual misconduct with a minor or a student in violation of the law.

B. RESTRICTIONS ON ELECTRONIC COMMUNICATIONS

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

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

3. Employees are prohibited from engaging in other forms of one-to-one electronic

communications (e.g., voice, voice mail, email, texting, and photo or video transmission) with students without written prior approval of the employee's supervisor and the student's parent. This rule shall not apply, however, if one or more of the following circumstances exist:

a. the communication (1) is for an educational purpose, (2) is conducted through a school system-provided platform which archives all such communications for a period of at least three years (this requirement does not apply to telephone or voice mail communications), or is conducted via an electronic video-conferencing platform (e.g., Zoom, Webex, Google Meet) that has been approved by the superintendent or designee for instructional use, and (3) occurs after the employee has given prior notice to his or her supervisor or designee that such communications will occur and when they will occur;

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

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

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

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

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

5. Violations of this subsection 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 subsection 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 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

3. Report of Criminal Misconduct

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

4. Report to State Superintendent of Public Instruction

In accordance with Section F of policy 7130, Licensure, ~~Any~~ administrator shall report to the State Board of Education certain misconduct by licensed employees involving a student ands, ~~including the superintendent, a deputy/associate/assistant superintendent, a personnel administrator, or a principal, who knows or has reason to believe or has actual notice of a complaint that a licensed employee has engaged in misconduct~~ resulting in dismissal, disciplinary action, or resignation~~, shall report the misconduct to the State Board of Education within five days of dismissal, determination of disciplinary action, or acceptance of resignation or resignation. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint for misconduct is presumed to have resulted in the resignation. For purposes of this subsection, "misconduct" is conduct that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or the infliction of physical injury against a child other than by accident or in self-defense. Failure to report such conduct may result in the suspension or revocation of an administrator's license by the State Board of Education.~~

This reporting requirement applies in addition to any duty to report suspected child abuse in accordance with state law and policy 4240/7312, Child Abuse and Related Threats to Child Safety, as applicable.

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 7926; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq.*, 34 C.F.R. pt. 106; G.S. 14-27.32, -202.4; 115C-47(18), -270.35(b); 16 N.C.A.C. 6C ~~.0372, .0373~~, .0601, .0602, .0604, .0608; State Board of Education
Policy EVAL-014

Cross References: Governing Principle – Removal of Barriers (policy 1700), Title IX Nondiscrimination on the Basis of Sex (policy 1720/4030/7235), Title IX Sexual Harassment – Prohibited Conduct and Reporting Process (policy 1725/4035/7236), Title IX Sexual Harassment Grievance Process (policy 1726/4036/7237), Student and Parent Grievance Procedure (policy 1740/4010), Child Abuse and Related Threats to Child Safety (policy 4240/7312), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Criminal Behavior (policy 4335), School Volunteers (policy 5015), Licensure (policy 7130), Staff Responsibilities (policy 7300), Employee Use of Social Media (policy 7335)

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CHILD ABUSE AND RELATED THREATS TO CHILD SAFETY

Policy Code: **4240/7312**

The board is concerned with the health, safety, and welfare of all children and recognizes the legal and ethical obligations that school employees, contractors, and volunteers have to report known or suspected maltreatment of children. North Carolina has two separate systems that mandate reports to state authorities of suspected child abuse, neglect, dependency, or maltreatment and a third system for mandated reporting of certain crimes against juveniles to local law enforcement.

When a parent or other caretaker is suspected to have caused a child to be abused, neglected, or dependent, this information must be reported to the county child welfare agency. Suspected human trafficking, involuntary servitude, and sexual servitude of a child and death of a child as a result of maltreatment are special forms of child abuse under law and must be reported to the county child welfare agency, regardless of the relationship between the victim and the perpetrator. By contrast, suspected child maltreatment by a caregiver in a child care facility, including in a licensed preschool classroom or other licensed classroom or program operated by the school system, must be reported to the Department of Health and Human Services (DHHS), Division of Child Development and Early Education (DCDEE). When the source of the harm or threat of harm to the child is uncertain, a report should be made to both the county child welfare agency and DCDEE.

In addition, state law mandates reports to local law enforcement when a child is a victim of certain violent offenses, sexual offenses, or misdemeanor child abuse. An adult who knows or reasonably should have known of any of these offenses inflicted upon a child must report that information immediately.

The board of education supports all employees who in good faith make a report under North Carolina's mandated reporting laws.

The superintendent shall develop any necessary procedures for making a report or otherwise implementing this policy.

A. DUTY TO REPORT CERTAIN CRIMES AGAINST CHILDREN TO LOCAL LAW ENFORCEMENT

A school employee, contractor, or volunteer is legally required to report to local law enforcement when the employee or volunteer knows or reasonably should know that a child has been a victim of any of the following crimes:

1. a sexual offense (which for purposes of this policy, the board interprets to mean any offense that relates to inappropriate sexual conduct with or involving a child);

2. an offense that inflicts serious bodily injury or serious physical injury upon the child by nonaccidental means;

3. an attempt, solicitation, or conspiracy to commit either offense described above, or aiding and abetting either offense; or

4. misdemeanor child abuse, which occurs when a parent or any other person providing care or supervision to a child who is under the age of sixteen (1) inflicts or allows to be inflicted physical injury to the child by nonaccidental means or (2) creates or allows a substantial risk of physical injury to the child by nonaccidental means.

Compliance with this reporting requirement does not relieve the employee or volunteer from his or her duty to report pursuant to Sections B and C of this policy. The employee, contractor, or volunteer also shall immediately report the case to the principal.

A school employee, contractor, or volunteer is immune by statute from any state civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

B. DUTY TO REPORT CHILD ABUSE, NEGLECT, DEPENDENCY, OR DEATH AS A RESULT OF MALTREATMENT TO THE COUNTY CHILD WELFARE AGENCY

A school employee, contractor, or volunteer who knows or has cause to suspect that (1) a parent, guardian, custodian, or caretaker of a child has caused the child to be abused, neglected, or dependent, or (2) that a child has died as a result of maltreatment or been a victim of human trafficking, involuntary servitude, or sexual servitude by any person is legally required to report the case to the director of social services. The employee, contractor, or volunteer also shall immediately report the case to the principal. Any doubt about reporting a suspected situation must be resolved in favor of reporting, and the report must be made immediately.

A school employee, contractor, or volunteer is immune by statute from any civil and/or criminal liability when making a report in good faith under this Section. An employee who fails to report or who prevents another person from making a report is subject to disciplinary action by the school system and civil and criminal action under the law. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system and is subject to civil and criminal action under the law.

C. DUTY TO REPORT CHILD MALTREATMENT IN A CHILD CARE FACILITY TO THE DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION

A school employee, contractor, or volunteer who has cause to suspect that a child in a child care facility has been maltreated by a caregiver or has died as a result of maltreatment

occurring in a child care facility is legally required to report the case to DCDEE.

A "child care facility" includes any DHHS-licensed classroom or program operated by the school system, including for example, licensed pre-school or Title I classrooms, licensed afterschool programs, and licensed developmental day programs.

Any doubt about reporting a suspected situation or uncertainty whether the child's care is being provided in a child care facility must be resolved in favor of reporting, and the report should be made immediately.

An employee making a report to DCDEE also shall immediately report the case to the principal. If the suspected maltreatment occurred in a licensed preschool classroom or other licensed classroom or program operated by board, the principal shall immediately notify the superintendent of the suspected maltreatment. No reprisals of any kind may be taken against an employee who makes a good faith report of child maltreatment occurring in any licensed preschool classroom or other licensed classroom or program operated by the board.

An employee who fails to make a report as required by law and this policy may be subject to disciplinary action by the school system. In addition, if the employee works in a licensed preschool classroom or other licensed classroom or program operated by the board, failure to report maltreatment of a child in the program or classroom may itself constitute child maltreatment and result in the employee being placed on the state child maltreatment registry. A volunteer or contractor who fails to report or prevents another person from making a report may be restricted from school property or lose the privilege of volunteering for or contracting with the school system.

D. DUTY TO REPORT LICENSED EMPLOYEES TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

In addition to the other reporting requirements of this policy, ~~any~~ administrators shall report to the State Board of Education ~~who knows or has reason to believe that a licensed employee has engaged in~~certain misconduct by licensed employees involving a child and resulting in dismissal, disciplinary action or resignation ~~shall report that information to the State Board of Education~~ in accordance with ~~subs~~Section F~~C.4~~ of policy 7130, Licensure ~~4040/7310, Staff-Student Relations. For purposes of this section, "misconduct" is conduct that would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b) or the infliction of physical injury against a child other than by accident or in self-defense.~~

E. COOPERATION WITH STATE AND LOCAL AGENCIES

1. The principal may establish a contact person in the school to act as a liaison with state and local agencies charged with investigating reports made pursuant to this policy.

2. Employees shall cooperate fully with agency personnel conducting an investigation.

3. In a case under the jurisdiction of local law enforcement in which the child's parent, guardian, or custodian is suspected of wrongdoing, employees shall permit the child to be interviewed by local law enforcement on school campuses during school hours. Otherwise, permission from the parent, guardian, or custodian must be obtained before the child may be interviewed by local law enforcement on school campus during school hours.

4. In a case under the jurisdiction of social services, employees shall permit the child to be interviewed by social services on school campuses during school hours.

5. In a case under the jurisdiction of DCDEE concerning suspected child maltreatment by a caregiver in a child care facility, permission from the parent must be obtained before the child may be interviewed on school campus during school hours.

6. Employees shall provide confidential information to agency personnel, so long as the disclosure does not violate state or federal law.

7. Any confidential information disclosed by the investigating agency to employees must remain confidential and may be redisclosed only for purposes directly connected with carrying out the responsibilities of the school system or the employee.

F. SHARING INFORMATION WITH OTHER AGENCIES

Upon request and to the extent permitted by law, school system officials shall share with other agencies designated in G.S. 7B-3100(a) information that is relevant to (1) any assessment by the department of social services of a report of child abuse, neglect, dependency, or death as a result of maltreatment; (2) the provision or arrangement of protective services in a child abuse, neglect, or dependency case by the department of social services; or (3) any case in which a petition is filed alleging that a juvenile is abused, neglected, dependent, undisciplined, or delinquent. School system officials and the designated agencies must continue to share such information until the protective services case is closed by the department of social services or, if a petition is filed, until the juvenile is no longer subject to the jurisdiction of juvenile court.

G. CHILD SEXUAL ABUSE AND SEX TRAFFICKING TRAINING PROGRAM

In even numbered years, the school system will provide a child sexual abuse and sex trafficking education and awareness training program for teachers, instructional support personnel, principals, and assistant principals. The program will include at least two hours of training related to best practices from the field of prevention, the grooming process of sexual predators, the warning signs of sexual abuse and sex trafficking, how to intervene when sexual abuse or sex trafficking is suspected or disclosed, legal responsibilities for reporting sexual abuse or sex trafficking, and available resources for assistance. Designated school personnel shall participate in such training as required by law and board policy.

H. CHILD ABUSE AND NEGLECT INFORMATION AND RESOURCES FOR STUDENTS

In accordance with G.S. 115C-47(65) and State Board of Education Policy SHLT-003, the school system will provide information on child abuse and neglect, including age-appropriate information on sexual abuse, to students in grades 6 through 12. Such information will be provided in the form of (1) a document given to all students in grades 6 through 12 at the beginning of each school year, ~~and~~ (2) a display posted in visible, high-traffic areas throughout each secondary school, and (3) a video produced by the Center for Safer Schools shown to all students in grades 6 through 12 no more that five days after the first day of the school year.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 7B-101, -301, -302, -309, -3100; 8-53.4; 14-208.6, -318.2, -318.4, -318.6; 110-90.2, -105.3, -105.4, -105.5; 115C-12(47),47(65), -270.35(b), -375.20, -400, -402; 126-5; 16 N.C.A.C. . 6C.0608~~373~~; 16 N.C.A.C. 6D.0403; State Board of Education Policy SHLT-003

Cross References: Professional and Staff Development (policy 1610/7800), Staff-Student Relations (policy 4040/7310), Student Records (policy 4700), Licensure (policy 7130)

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The board recognizes that concussions and other head injuries may be serious and potentially life threatening and that such injuries may result in serious consequences later in life if managed improperly. The board is committed to practices that reduce the potential for short-term or long-term effects from such injuries. In support of this commitment, the board directs school employees to comply with the concussion safety rules ~~requirements~~ for interscholastic athletic competition adopted by the State Board of Education as required ~~established~~ by G.S. 115C-407.57~~12(23)~~ and initially established ~~as amended~~ in the Gfeller-Waller Concussion Awareness Act of 2011, ~~and to implement and follow all concussion safety requirements set forth in State Board of Education rules and policies.~~ The superintendent or designee shall develop plans consistent with state requirements and shall implement and monitor compliance with this policy. The superintendent is authorized to investigate the use of baseline testing for student-athletes and require that student-athletes undergo such testing prior to their participation in any interscholastic athletic competition.

A. DEFINITION OF CONCUSSION

A concussion is a traumatic brain injury caused by a direct or indirect impact to the head that results in disruption of normal brain function, which may or may not result in a loss of consciousness.

B. CONCUSSION EDUCATION VIDEO FOR HIGH SCHOOL STUDENT-ATHLETES

~~Per North Carolina High School Athletic Association rules, a~~All high school student-athletes and parents of high school student-athletes must view the CrashCourse concussion education video prior to each sport season.

C. SCHOOL HEAD INJURY INFORMATION SHEET

Each year, all coaches, school nurses, athletic directors, first responders, volunteers, student-athletes, and parents of student-athletes must be provided with a concussion and head injury information sheet that meets the requirements of the State Board. Before any student, school employee, volunteer, or first responder will be allowed to participate in interscholastic athletic activities, including tryouts, practices, or competitions, he or she must sign the head injury information sheet and return it to the coach. Parents also must sign the sheet and return it to the coach before their children may participate in any interscholastic athletic activity. The principal of each school shall ensure that a complete and accurate record of the returned signed sheets is maintained in accordance with law and State Board policy.

D. REMOVAL FROM AND RETURN TO PLAY

Any student-athlete who is exhibiting signs or symptoms consistent with a concussion must be removed from athletic activity immediately. Further, the student-athlete must not be allowed to return to play or practice that day or on any subsequent day until he or she has

been evaluated and has received written clearance for participation that complies with the requirements of G.S. 115C-407.57~~12(23)~~ and any other applicable law or State Board policy or rule.

E. RETURN TO LEARNING

The superintendent or designee shall develop a plan that meets all the requirements of the State Board of Education for addressing the needs of students in grades pre-K through 12 who suffer concussions. The superintendent or designee shall also arrange for information and professional development to be provided annually to all teachers and other school personnel on return-to-learn issues and other concerns related to concussion and brain injuries. Parents and students must be offered the opportunity annually to provide information related to any head injury or concussion the student may have incurred during the past year on the health history and emergency medical information update form.

F. EMERGENCY ACTION PLANS

Each principal or designee shall develop a venue-specific emergency action plan to respond to serious medical injuries and acute medical conditions in which the condition of the injured student may deteriorate rapidly. All such plans must include a delineation of roles, methods of communication, available emergency equipment, and a plan for emergency transport. The plans must be (1) in writing, (2) reviewed by an athletic trainer who is licensed in North Carolina, (3) approved by the principal if developed by a designee, (4) distributed, posted, reviewed, and rehearsed in accordance with G.S. 115C-407.58~~12(23)~~, and (5) compliant with any other requirements of state law and State Board policy or rules.

G. ATHLETIC TRAINERS AND FIRST RESPONDERS

Each high school principal shall designate at least one licensed athletic trainer or first responder who meets the requirements of state law and State Board of Education policy. The principal shall monitor each athletic trainer's or first responder's compliance with the duties assigned to the position by the State Board and any additional duties assigned by the superintendent or designee, including, but not limited to, attendance at football games and practices and compliance with all applicable training and certification requirements.

To the extent funding and resources are available, the superintendent shall work toward having a licensed athletic trainer or first responder available for all school practices and games of all high school and middle school sports.

H. RECORDKEEPING

The superintendent shall require each principal to maintain complete and accurate records of actions taken in his or her school to comply with this policy and applicable legal authority. Records shall include accounts of any education or training as may be required by law or State Board of Education policy.

The superintendent's ~~annual~~ report to the board on compliance with laws and policies

related to student wellness shall include a report on the system's compliance with laws and policies related to concussions and head injuries. (See ~~Section~~ subsection ~~G~~F.4 of policy 6140, Student Wellness.)

Legal References: G.S. 90 art. 34; 115C-12(23),-407.55, -407.57, -407.58, -407.70; S.L. 2011-147; ~~Article 34 Chapter 90~~; 16 N.C.A.C. 6E ,0205, .0206; State Board of Education Policies ATHL-003, SHLT-001; N.C. High School Athletic Association Handbook, available at https://www.nchsaa.org/handbook

Cross References: Student Wellness (policy 6140)

Other Resources: Matthew Gfeller Sport-Related TBI Research Center at UNC website, https://gfellerwallwelaw.unc.edu/~~http://tbicenter.unc.edu~~; *Report to the North Carolina General Assembly: Study of Sports Injuries at Middle School and High School Levels*, N.C. Department of Public Instruction (2011), available at https://webservices.ncleg.gov/ViewDocSiteFile/16567

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Updated: January 10, 2023

ELECTRONICALLY STORED INFORMATION RETENTION

Policy Code: **5071/7351**

Public record-keeping requirements and federal and state law require that the school system properly manage its electronically stored information ("ESI"). To the extent required by law, school personnel shall maintain ESI in accordance with this policy and/or the applicable records retention and disposition schedule(s) ("Schedule") issued by the North Carolina Department of Natural and Cultural Resources.

School business-related ESI sent and/or received by an employee using a personal technology device or account is subject to this policy and policy 3228/7323, Use of Personal Technology to Conduct School Business.

A. SYSTEM-WIDE E-MAIL RETENTION AND EMPLOYEE RESPONSIBILITY FOR ESI

All e-mails produced and received using the school system email system are the property of the school system and will automatically be retained by the school system for a minimum of three years. In some cases, business-related e-mails must be retained longer, according to the Schedule, and individual employees are required to review the Schedule and save such e-mails, in hard copy or electronic format, for the applicable time period. For ESI other than e-mail, each employee shall retain such records, in hard copy or electronic format, for the time period required by the Schedule.

B. LITIGATION HOLDS FOR ESI

The school system will have an ESI team. The ESI team is a designated group of individuals who implement and monitor litigation holds, which are directives not to destroy ESI that might be relevant to a pending or imminent legal proceeding. The ESI team must include a designated school administrator, the school board attorney, and a member from the technology department. In the case of a litigation hold, the ESI team shall direct employees and the technology department, as necessary, to suspend the normal disposition procedure for all related records.

C. INSPECTION OF ESI

Any requests for ESI records should be made in writing and will be reviewed by the records officer (see policy 5070/7350, Public Records – Retention, Release, and Disposition), in consultation with the school board attorney if needed, and released in accordance with North Carolina public records laws.

D. DELEGATED AUTHORITY

The board of education delegates to the superintendent or designees the right to implement and enforce additional procedures or directives relating to ESI retention consistent with this policy.

Legal References: Fed. R. Civ. P. 16, 26, 33, 37, 45; North Carolina Public Records Act, G.S. 132; *E-Mail as a Public Record in North Carolina: A Policy for Its Retention and Disposition*, N.C. Department of Natural and Cultural Resources (2009), available at https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines/email-public-record-north ~~https://archives.ncdcr.gov/government/digital-records/digital-records-policies-and-guidelines;~~ *Program Records Schedule: Local Public School Units*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/documents/local-education-agencies-schedule; *General Records Schedule: Local Government Agencies*, N.C. Department of Natural and Cultural Resources (2021), available at https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules/general-records-schedule-local-government

Cross References: Use of Personal Technology to Conduct School Business (policy 3228/7323), Public Records – Retention, Release, and Disposition (policy 5070/7350)

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

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

Unless otherwise indicated, the terms "medication" and "medicine" include any substance intended for use in the diagnosis, cure, mitigation, treatment, or prevention of any disease. The term includes all prescription medications and all such substances available over-the-counter without a prescription, such as drugs, herbs, alternative medicines, and supplements (hereinafter "over-the-counter drugs"). The administration of any prescription or over-the-counter drug to students by school employees is prohibited except when performed in accordance with Section A. The self-administration of any prescription or over-the-counter drug by students at school is prohibited and constitutes a violation of policy 4325, Drugs and Alcohol, except in the limited circumstances described in Section C.

The administration, including by parents, school employees, or self-administration, of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC) at school is prohibited unless the CBD or THC product is available by prescription only and has been approved by the U.S. Food & Drug Administration (FDA)~~;~~ and all requirements of this policy are met.

A. MEDICATION ADMINISTRATION BY SCHOOL EMPLOYEES

1. Conditions for Administering Medication

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

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

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

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

d. Proper Container/Labeling: If the medication to be administered is available by prescription only, the parent must provide the medication in a pharmacy-labeled container with the child's name, the name of the medication, the exact dose to be given, the time/frequency the medication is to be given, the route of administration, the number of doses in the container, and the expiration date of the medication. If the medication is available over-the-counter, it must be provided in the original container or packaging, labeled with the student's name.

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

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

2. Procedures for Administering Medications

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

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

b. Procedures for medication administration must be consistent with recommendations of the School, Adolescence and Child Health Unit of the Whole Child Health Section of the Division of Child~~ren &~~ and Family Well-Being ~~Youth Branch~~ of the N.C. Department of Health and Human Services ~~Division of Public Health~~, as described in the *North Carolina School Health Program Manual*.

c. Students with special needs are to be afforded all rights provided by federal and state law as enumerated in the *Policies Governing Services for Children with Disabilities*. Students with disabilities also are to be afforded all rights

provided by anti-discrimination laws, including Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act.

d. Except as permitted by this policy, no student may possess, use, sell, deliver, or manufacture any drug or counterfeit drug prohibited by policy 4325, Drugs and Alcohol, nor be under the influence of any drug in violation of that policy.

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

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

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

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

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

B. EMERGENCY MEDICATION

Students who are at risk for medical emergencies, such as those with diabetes, asthma, or severe allergies, must have an emergency health care plan developed for them to address emergency administration of medication. Students must meet the requirements of subsection A.1, above, including providing authorization and instructions from the health care practitioner and written consent of the parent, in order for emergency medication to

be administered by school personnel while the student is at school, at a school sponsored activity, and/or while in transit to or from school or a school-sponsored event.

C. STUDENT SELF-ADMINISTERING MEDICATIONS

The board recognizes that students with certain health conditions like diabetes or asthma, or an allergy that could result in an anaphylactic reaction, may need to possess and self-administer medication on school property in accordance with their individualized health care plan or emergency health care plan.

Students are prohibited from self-administering medication at school unless (1) the medicine has been prescribed for the treatment of diabetes, asthma, or anaphylactic reactions, including insulin or a source of glucose, a prescribed asthma inhaler, or a prescribed epinephrine auto-injector; (2) the medicine is administered in accordance with the student's individualized health care plan or emergency health care plan and any relevant administrative regulations; and (3) the requirements of this section are met. The superintendent shall develop procedures for the possession and self-administration of such medication by students on school property during the school day, at school-sponsored activities, and/or while in transit to or from school or school-sponsored events.

1. Authorization to Self-Administer Medication

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

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

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

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

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

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

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

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

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

Prior to being permitted to self-administer medication at school, the student also must demonstrate to the school nurse, or the nurse's designee, (1) the skill level necessary to use the medication and any device necessary for its administration; and (2) sufficient knowledge and maturity to be independent in the management of the medication with no oversight from school staff.

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

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

2. Responsibilities of the Student

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

3. Consequences for Improper Use

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

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

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

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

Other Resources: *North Carolina School Health Program Manual* (N.C. Dept. of Health and Human Services, Div. of Child and Family Well-Being ~~Public Health~~, School, Adolescence and Child Health ~~School Health~~ Unit, 2020), available at https://www.ncdhhs.gov/divisions/child-and-family-well-being/whole-child-health-section/school-adolescent-and-child-health/school-nursing-support#SchoolHealthProgramManual-4324~~https://publichealth.nc.gov/wch/cy/schoolnurses/manual.htm~~

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

A. LICENSURE AND OTHER QUALIFICATION REQUIREMENTS

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

2. To the extent possible, all professional teaching assignments will be in the area of the professional employee's license except as may be otherwise allowed by state and federal law and State Board policy.

3. The board may employ candidates entering the teaching profession from other fields who hold a residency license or an emergency license.

4. In extenuating circumstances when no other appropriately licensed professionals or persons who are eligible for a residency license are available to fill a position, the board may employ an individual who holds a permit to teach issued by the State Board of Education.

B. EXCEPTIONS TO LICENSURE REQUIREMENTS

1. Adjunct CTE Instructors

   An unlicensed individual who meets the adjunct hiring criteria established by the State Board of Education for a specific career and technical education (CTE) career cluster may be employed as an adjunct CTE instructor for up to 20 hours per week or up to five full consecutive months of employment, provided the individual first completes preservice training and meets all other statutory requirements for serving as an adjunct instructor established by G.S. 115C-157.1.

2. Adjunct Instructors in Core Academic Subjects, Fine and Performing Arts, and Foreign Languages

   In accordance with G.S. 115C-298.5, an unlicensed faculty member of a higher education institution who meets the adjunct hiring criteria established by the State Board of Education may be employed as a temporary adjunct instructor for specific core academic subjects, fine and performing arts, and foreign language courses in grades kindergarten through twelve provided the individual first completes preservice training and meets all other statutory and State Board of Education requirements.

In addition, an individual with a related bachelor's or graduate degree may be employed as a temporary adjunct instructor to teach high-school level courses in core academic subjects, fine and performing arts, and foreign language in the individual's area of specialized knowledge or work experience provided the individual first completes preservice training required under G.S. 115C-298.5(a1).

3. Interim Principals

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

4. Cherokee Language and Culture Instructors

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

5. Driver Education Instructors

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

C. BEGINNING TEACHER SUPPORT PROGRAM

The superintendent or designee shall develop a plan and a comprehensive program for beginning teacher support. The plan must be approved by the board and the Department of Public Instruction and kept on file for review. The plan must be aligned to the State Board of Education's beginning teacher support program standards and, when monitored, must demonstrate proficiency. The school system will also participate in implementing a regionally-based annual peer review and support system.

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

D. LICENSE CONVERSION

Teachers must meet all requirements of the State Board of Education in order to move from an initial professional license or residency license to a continuing professional license or to move from a continuing professional license to a lifetime license.

E. LICENSE RENEWAL

Licensure renewal is the responsibility of the individual, not of the school system. Any employee who allows a license to expire must have it reinstated prior to the beginning of

the next school year. A teacher whose license has expired is subject to dismissal.

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

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

Although lifetime license holders do not have to complete continuing education credits to maintain licensure, the superintendent may require them to participate in professional development opportunities as a condition of employment. (See policy 1610/7800, Professional and Staff Development.)

F. REPORTING MISCONDUCT

Any administrator who knows, has reason to believe, or has actual notice of a complaint that a licensed employee had engaged in misconduct that (1) would justify automatic revocation of the employee's license pursuant to G.S. 115C-270.35(b), has resulted in a criminal charge or indictment for any of the crimes listed in G.S. 115C-270.35(b), involved the infliction of physical injury against a child or student, and (2) resulted in dismissal, disciplinary action, or resignation shall report the misconduct in writing to the State Board of Education within five days of the dismissal, determination of disciplinary action, or acceptance of resignation. If the employee resigns within 30 days of a complaint for misconduct or during an ongoing investigation of a complaint, the alleged misconduct is presumed to have resulted in the resignation.

In addition, if a licensed employee is dismissed, is demoted, or resigns as the result of conduct that is not covered by the preceding paragraph but that may otherwise justify disciplinary sanctions against the employee's license under 16 N.C.A.C. 6C. 0604, the superintendent or designee shall report the conduct in writing to the State Board of Education within 30 days of the dismissal, demotion, or resignation.

~~F.~~G. PARENTAL NOTIFICATION

At the beginning of each school year, school system officials shall notify the parents or guardians of each student attending a Title I school or participating in a Title I program of their right to request the following information about qualifications of their child's teacher: whether the teacher has met NC qualification and licensing criteria for the grade level(s) and subject area(s) in which the teacher provides instruction; whether the teacher is

teaching under emergency or other provisional status through which North Carolina qualification or licensing criteria have been waived; whether the teacher is teaching in the field of discipline of his or her certification; and whether the child is provided services by a paraprofessional, and if so, the paraprofessional's qualifications.

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

~~G.~~H. EQUITABLE DISTRIBUTION OF TEACHERS

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

Legal References: Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; 34 C.F.R. 200.55-57, 200.61; G.S. 115C art. 17E; 115C-157.1, -270.15, -270.20, -270.21, -284, -295, -298.5, -325(e)(1)(m) (applicable to career status teachers), -325.4(a)(12) (applicable to non-career status teachers), -333, -333.1; State Board of Education Policies CTED-004, DRIV-003, DRIV-004, EVAL-004, EVAL-023, EVAL-034, LICN-001, LICN-005, LICN-021, LICN-022, TCED-016; *Beginning Teacher Support Program Handbook* (NCDPI) available at https://sites.google.com/dpi.nc.gov/ncref/bt-support-program-resources

Cross References: Professional and Staff Development (Policy 1610/7800)

Adopted: May 1, 2000
Updated: April 6, 2009
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Updated: April 3, 2012
Updated: June 2, 2014
Updated: December 5, 2016
Updated: December 4, 2017
Updated: December 3, 2018
Updated: July 8, 2019
Updated: December 2, 2019
Updated: December 7, 2020
Updated: June 7, 2021
Updated: January 10, 2022
Updated: January 10, 2023

The board will maintain insurance or other liability coverage adequate to safeguard the school district's property and assets. Each fiscal year, the finance officer will make recommendations to the board on the amounts and types of ~~insurance~~ liability coverage which should be obtained, such as errors and omissions, general liability, boiler & machinery, real and personal property, auto liability and workers' compensation. Costs associated with maintaining adequate liability coverage ~~Insurance premiums~~ will be included in the budget as a necessary expense. The finance officer will maintain custody of liability coverage ~~insurance~~ policies and ~~insurance~~ programs.

If the board requires school social workers to increase their private automobile liability coverage and/or add a business use rider, in order to transport students in their private vehicles, the school will reimburse the social worker for the additional premium charged, and/or for the increased liability limits or the added rider.

Legal References: G.S. 115C-36, -47, -435

Cross References: Insurance for Student Transportation Services (policy 6330), Defense of Board Employees (policy 7610)

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

A. SELECTION AND EVALUATION

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

B. DUTIES

The school finance officer is the financial leader of the school system and is responsible for the school system's fiscal affairs ~~provides critical services for the effective planning and use of fiscal resources.~~ The school finance officer shall be responsible to the superintendent for:

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

2. utilizing an encumbrance system for tracking obligations;

3. overseeing the school system purchasing and contracting processes, including giving the preaudit and disbursements certificates required by G.S. 115C-441(a1) and (d1), respectively, and approving or disapproving a disbursement, in accordance with G.S. 115C-441(b), when a bill, invoice, or other claim is presented ~~establishing procedures to assure compliance with the preaudit requirements~~;

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

~~5.~~4. establishing procedures, as described in 20 N.C.A.C. 03.0409(a)(3) and 20 N.C.A.C. 03.0410(a)(2), for preauditing obligations that will be incurred by electronic payment and for disbursing funds by electronic transaction;

~~6.~~5. ensuring that school system personnel are adequately trained about the procedures to be followed for electronic transactions;

~~7.~~6. signing and issuing all checks, drafts, and state warrants by the school system;

~~8.~~7. investing the cash balance of any funds, subject to board policy 8110, Budget Resolution;

~~9.~~8. receiving and depositing all moneys accruing to the school system;

9. ensuring that federal funding expenditures comply with federal regulations and specific grant requirements (see policy 8305, Federal Grant Administration):

10. creatin analyses of financial, personnel,a nd student data and records for administrative decision-making and preparing required reports;

~~10.~~11. preparing and filing a statement of the financial condition of the school system as often as requested by the superintendent;

~~11.~~ 12. preparing and filing a statement of the financial condition of the school system when requested by the board of education or the board of county commissioners, but only if such requests are in writing and copied to the superintendent;

~~12.~~ 13. providing the board a quarterly budget-to-actual statement that includes budgeted accounts; actual payments made; amounts encumbered, including electronic obligations; and the amount of the budget that is unobligated for all major funds;

~~13.~~14. providing a copy to the board and notice to the county commissioners of any report received from the Teachers' and State Employees' Retirement System containing a list of employees whose retirement in the upcoming year would likely result in an assessment to the board for additional employer contribution;

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

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

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

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

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

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

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

21. ensuring the quality of fiscal operations at the individual schools through periodic audit reviews of fiscal records and ensuring corrective action is taken, as necessary;

~~21.~~22. maintaining a legally complaint payroll system and making salary deductions as provided in policy 7620, Payroll Deductions;

~~22.~~23. maintaining custody of the facsimile signature device as provided in policy 8330, Facsimile Signatures; ~~and~~

~~23.~~24. maintaining custody of insurance policy and programs as provided in policy 8340, Insurance.

25. providing all required materials for the annual independent audit (see policy 8310, Annual Independent Audit); and

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

C. PROFESSIONAL EDUCATION

The finance officer shall complete all continuing professional education required but the State Board of Education, including the conflict of interest training described in policy 7730, Employee Conflict of Interest, regarding the making and administering od contracts.

~~C.~~D. FIDELITY BOND

The finance officer shall carry a true accounting and faithful performance bond as provided in board policy 8530, Fidelity Bonds.

Legal References: G.S. 115C-105.25, -435, -436, -441, -442, -443, -445, -446, -448, -452, -528; 135-8(f)(2)(f); 20 N.C.A.C. 03.0409, 20 N.C.A.C. 03.0410; State Board of Education Policy FINO-000

Cross References: Preaudit and Disbursement Certifications (policy 6421), Continuing Contracts (policy 6425), Payroll Deductions (policy 7620), Employee Conflict of Interest (policy 7730), Budget Resolution (policy 8110), Federal Grant Administration (policy 8305), Annual Independent Audit (policy 8310), Facsimile Signatures (policy 8330), Insurance (policy 8340), Fidelity Bonds (policy 8530)

Adopted: January 11, 2016
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