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TO: Board of Education

FROM: Emily Shaw

DATE: December 4th, 2023

Attached you will find proposed Policy Codes for your consideration:

- **Policy 3470/4305**-Alternative Learning Programs/Schools
- **Policy 4150**-School Assignment
- **Policy 4326**-Random Drug Testing Program
- **Policy 1710/4020/7230-**Discrimination and Harassment Prohibited by Federal Law
- **Policy 1720/4030/7235**-Title IX Non-Discrimination on the Basis of Sex

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December 4, 2023

RE: Approval
Montgomery County School Board Policy

Policies 3470/4305 and 4150 represent necessary changes to add clarity.
The additional policies represent changes necessary to update personnel changes and facilities.

Policy #	Name	Explanation
3470/4305	Alternative Learning Programs/Schools	**Changes to the Policy** • An added paragraph to add clarity for an administrative placement at the discretion of the superintendent • Cross Reference
4150	School Assignment	**Changes to the Policy** • An added sentence to add clarity for an administrative placement at the discretion of the superintendent
4326	Random Drug Testing Program	**Changes to the Policy** • Changes East Montgomery and West Montgomery High School to Montgomery Central High School
1710/4020/7230	Discrimination and Harassment Prohibited by Federal Law	**Changes to the Policy** • Name changes/contact information
1720/4030/7235	Title IX Non-Discrimination on the Basis of Sex	**Changes to the Policy** • Name changes

ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

Policy Code: **3470/4305**

A. PURPOSES

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

B. STANDARDS FOR ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

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

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

C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. Basis for Transfer

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

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

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

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

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

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

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

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

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

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

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

If the basis exists for a direct administrative assignment to the alternative school, as outlined in policy code 4150 B (6), and at the discretion of the Superintendent or designee, then policy code 4150 shall take precedence over any other referral process outlined in this or any other policy code.

2. Responsibilities of Personnel at Referring School

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

school must:

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

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

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

3. Referral

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

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

c. In all cases where a basis for transfer exists, other than where the student has received due process pursuant to a recommendation for long-term suspension or expulsion, the principal must refer the student to a multi-disciplinary team to determine whether the student should be transferred to an alternative school. The principal must provide in writing: (1) an explanation of the student's behavior or academic performance that is at issue; (2) documentation or a summary of the documentation of the efforts to assist the student in the student's regular educational setting, if applicable; and (3) documentation of the circumstances that support the referral. A copy of the referral and other documentation must be provided to the parent or guardian by certified mail or in person.

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

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

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

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

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

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

Students who receive services under the Individuals with Disabilities Education Act (IDEA) are entitled to all of the processes and protections pursuant to the IDEA. All additional requirements specific to the assignment of students with disabilities to an alternative program or school established by State Board of Education policy shall be observed.

D. APPEALS PROCESS

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

In all other cases, within three business days of receiving written notice of the decision to assign the student to an alternative program or school, the parent or guardian may appeal the decision in writing to the superintendent, who shall review the documentation and render a decision within five business days, absent extraordinary circumstances that require additional response time. Parents and guardians who are dissatisfied with the superintendent's decision may appeal to the board. The board will hear the appeal in closed session and will follow its procedures as provided in policy 2500, Hearings Before the

Board. During the period of the appeal, the student may be transferred to the alternative learning program or school, except as prohibited by the IDEA.

E. ADMINISTRATIVE ASSIGNMENTS

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

   Any student who receives a long-term or 365-day suspension must be offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

2. Assignment of Student Sex Offenders

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

F. TRANSITION FROM ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

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

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

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

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

When assigning professional personnel to an alternative learning program or school, the superintendent shall consider the experience and evaluation ratings of the professional employee who may be assigned to the program or school. As school system resources allow, the superintendent shall strive to avoid assigning to an alternative school or program less experienced professional personnel or professional personnel who have received unfavorable evaluations. Additionally, all school personnel at alternative learning programs or schools should receive training so that students enrolled in such programs or schools receive appropriate educational services.

H. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

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

2. Information to be Reported to the Board of Education

   Each year, the board will evaluate each alternative learning program or school based upon reports provided by the superintendent and any other information the board wishes to consider.

Legal References: G.S. 14-208.18; 115C-47(32a), -105.27, -105.47A, -105.48, -276(r), -288, -367, -369, -390.7, -390.9, -390.10, -390.11; 16 N.C.A.C. 6G .0314; State Board of Education Policy ACCT-038, ALTP-002, DROP-001, EXCP-000; *Policies Governing Services for Children with Disabilities*, as amended (Public Schools of N.C.); *Policies and Procedures for Alternative Learning Programs and Schools* (NC Dept. of Public Instruction), available at https://www.dpi.nc.gov/students-families/enhanced-opportunities/alternative-learning-programs#development,-implementation,-and-operations

Cross References: Parental Involvement (policy 1310/4002), Hearings Before the Board (policy 2500), School Improvement Plan (policy 3430), Conflict Resolution (policy 3431), School Assignment (policy 4150), Student Sex Offenders (policy 4260), School Plan for Management of Student Behavior (policy 4302), Student Discipline Records (policy 4345), Long-Term Suspension, 365-Day Suspension, Expulsion (policy 4353), Assignments/Reassignments/Transfers (policy 7440)

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A. ASSIGNMENT AREAS

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

The assignment areas will be developed in accordance with applicable legal requirements, the need to serve all school-age children who live in the school system, and the effective use of each school facility. Assignments must be made in a non-discriminatory manner.

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

B. ASSIGNMENT OF STUDENTS

The superintendent or designee shall assign students to particular schools in accordance with the following standards.

1. Students Admitted Based on Domicile

   Except as otherwise provided in this policy, students admitted to the school system based on domicile will be assigned to the school of the appropriate grade span within the assignment area of the student's domicile (or residence location if the student is exempted from the domicile requirement, as described in policy 4120, Domicile or Residence Requirements).

2. Students Accepted for Discretionary Admission

   Students who are accepted for discretionary admission under policy 4130, Discretionary Admission, will be assigned to a school that meets the best interest of the student and the orderly and efficient administration of the school system.

3. Homeless Students and Students in Foster Care

   Notwithstanding any other provisions of this policy, the superintendent or designee shall (1) assign homeless students in a manner consistent with state and federal law and policy 4125, Homeless Students; and (2) assign students in foster care to their school of origin unless contrary to their best interest, as required by federal law.

4. Students Participating in the Address Confidentiality Program

   Students who are participating in or whose parent is participating in the North Carolina Address Confidentiality Program established by G.S. Chapter 15C will be assigned on the basis of their actual address, but such address will remain

confidential in accordance with law and policy 4250/5075/7316, North Carolina Address Confidentiality Program.

5. Students with Disabilities

Students with disabilities receiving services under an Individualized Education Program (IEP) or Section 504 plan will be assigned to schools in accordance with this policy unless the superintendent or designee determines the student needs a different assignment to provide access to a program or service required under the IEP or Section 504 plan, as determined by the student's IEP or Section 504 team.

6. Administrative Assignment

The superintendent or designee may administratively assign a student to a school other than the one to which the student would otherwise be assigned under this policy when deemed in the best interest of the student and/or the effective administration of the schools, such as for reasons related to student safety, discipline, or programmatic issues, or when required by law. A direct, administrative assignment may be made by the superintendent or designee to an alternative program or school under this subsection if deemed necessary for any of the reasons stated herein.

7. Assignment to Alternative Program or School

Except as noted in B.6. above, students will be assigned to an alternative education program or school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

8. Admission to Magnet Schools or Other Schools of Choice

Students may apply for admission to one of the school system's magnet schools or other schools of choice. Unless otherwise established by the board for specific programs, admission decisions for magnet schools will take into account the following criteria:

a. maintaining a socioeconomic, geographic, and student achievement diversity that is reasonably reflective of the school system as a whole;

b. efficient use of school facilities and transportation resources;

c. any program criteria that must be met by the student for admission to the particular school;

d. enabling siblings to attend the same school; and

e. hardship on the student or parent that has been documented by the parent.

C. REQUESTS FOR REASSIGNMENT

A parent or guardian who is dissatisfied with a school assignment may request reassignment to a different school as provided below. The superintendent or designee shall have the authority to approve or deny requests for reassignment for satisfactory reasons as established by the superintendent and communicated to students and parents and guardians. A reassignment request denied by the superintendent or designee may be appealed to the board in accordance with subsection C.2, below.

1. Procedure for Requesting Reassignment

   A request for reassignment must be submitted in writing to the superintendent or designee within the school system's established school reassignment window or within 10 days of receiving notice of the school assignment. The request must specify why reassignment is sought. An untimely request for reassignment will be treated as a transfer request under Section D.

   The superintendent or designee shall consider the request for reassignment and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which assignment is requested, and the instruction, health, and safety of the pupils there enrolled. The parent will be notified via registered or certified mail if the superintendent or designee denies the request. If the parent is dissatisfied with the superintendent's or designee's response, the parent may appeal the decision to the board as provided below.

2. Appeal to the Board When Reassignment Request Is Denied

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

D. TRANSFER OF STUDENTS DURING THE SCHOOL YEAR

1. Change of Residence

   Students whose legal residence changes from one school assignment area to another within the school system during the same school year may choose to finish out that school year in the same school or attend school in the area to which they have

moved. If they elect to remain in the first school in order to complete that year, they will be assigned to the school according to the area in which they live at the beginning of the next school year. Students whose legal residence has changed but who choose to complete the school year at their first school will be responsible for their own transportation to school.

2. Unsafe School Choice Transfer under the Elementary and Secondary Education Act

   Transfers for students who are victims of violent criminal offenses at school or for students attending persistently dangerous schools as defined by State Board of Education policy will be made pursuant to policy 4152, Unsafe School Choice Transfer.

3. Transfer of Homeless Students

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

4. Transfer of Students in Foster Care

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

5. Other Transfers

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

E. CONDITIONS FOR REASSIGNMENT OR TRANSFER

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

1. The parent or guardian is responsible for transportation (except for reassignments or transfers of homeless students or students in foster care based on the student's

best interest, for which the system will provide transportation in a manner consistent with legal requirements and policy 4125).

2. The transfer or reassignment is valid for no more than one school year (except for (a) unsafe school choice transfers, for which the length of assignment will be consistent with legal requirements and policy 4152; (b) homeless student transfers or reassignments for which the length of assignment will be consistent with legal requirements and policy 4125; and (c) transfers or reassignment of students in foster care, for which the length of assignment will be consistent with legal requirements).

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

Legal References: McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 6301 *et seq.*; *Non-Regulatory Guidance: Ensuring Educational Stability for Children in Foster Care*, U.S. Department of Education and U.S. Department of Health and Human Services (June 2016) and *Non-Regulatory Guidance on Education for Homeless Children and Youths Program*, U.S. Department of Education (July 2016), both available at https://www2.ed.gov/policy/elsec/leg/essa/index.html; *Unsafe School Choice Option Non-Regulatory Guidance*, U.S. Department of Education (May 2004), available at https://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln; G.S. 15C-8; 115C-36, -366, -367, -369; State Board of Education Policy SSCH-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Domicile or Residence Requirements (policy 4120), Homeless Students (policy 4125), Discretionary Admission (policy 4130), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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Updated: May 4, 2009
Updated: April 3, 2012
Updated: January 14, 2013
Updated: November 7, 2016
Updated: June 5, 2017
Updated: January 10, 2022

It is the responsibility of Montgomery County Schools to safeguard the overall well-being and development of student athletes at ~~East Montgomery High School and West Montgomery~~ Montgomery Central High School (MCHS). We, therefore maintain that the misuse of drugs and the unlawful possession and use of alcohol or steroids threatens the well-being and development of not only those who participate in sports, but the entire school community.

Montgomery County Schools is committed to the prevention of drug abuse and the rehabilitation of identified abusers.

We realize that the problem of illegal drugs and alcohol use presents a continuing challenge to the school and a danger to the entire student body.
It is the intent of Montgomery County Schools to detect and prevent substance abuse by students involved in athletics. Participation in athletics is a privilege and it is the belief of Montgomery County Schools that student athletes have a responsibility to be drug and alcohol free. Montgomery County Schools is being proactive to ensure the safety of all students participating in athletics.

The primary emphasis of this program is deterrence and remediation rather than punishment of students who test positive for marijuana, cocaine, steroids, amphetamines/methamphetamines, PCP (a hallucinogen), opiates, barbiturates, benzodiazepines, alcohol, steroids and other non-prescribed medications and will be followed according to board policy. This policy is ***NOT*** intended to be disciplinary or punitive in nature. No student will be expelled or suspended from school as a result of any verified positive test conducted by the school under the Random Drug Testing Program. The program is aimed at the identification and remediation of athletes involved with drugs. This program will be therapeutic in nature allowing for the opportunity to refer identified users of drugs to an appropriate substance abuse program as recommended by Montgomery County Schools.

This policy will comply with all required federal confidentiality regulations.

This policy and regulations will apply to all student athletes, including cheerleaders, at ~~East Montgomery High School and West Montgomery~~ Montgomery Central High School. MCHS student athletes enrolled at Montgomery County Early College shall also be included.

This Montgomery County Board of Education policy will be made available to all coaching staff, athletes, and parents/guardians annually. The policy will be published in the ~~East Montgomery and West Montgomery~~ Montgomery Central High School athletic handbook and also in the Student Code of Conduct. This information will also be included with the "consent for participation in athletics" form.

Testing Coordinator

- The Principal and athletic director or designee(s) will coordinate and supervise the Random Drug Testing Program

Eligibility and Random Testing

- All athletes who participate for any ~~East Montgomery or West Montgomery~~ Montgomery Central High School athletic sports team will be subject to the random drug testing.
- Students become subject to the random testing once they complete the Montgomery County Participation form with the consent to test included.
- Each student and each student's custodial parent/guardian who would like to participate in athletic activities must give consent in writing to participate in random drug testing and for the release of the test results to the proper school officials; the student and the student's custodial parent/guardian; and the school principal or his or her designee.
- The Montgomery County Participation form must be submitted to the appropriate coach or athletic director on or before the first day of practice. The athlete may not participate in practice or any athletic event until the completed form is submitted.
- Students are subject to random drug testing from the date the Montgomery County Participation form is signed and returned through the end of the current season.

  The student will be removed from the random drug screening pool if the student withdraws from all athletics.

Testing Procedure

- A confidential testing schedule will be created for ~~East Montgomery High School and West Montgomery~~ Montgomery Central High School prior to the initiation of the program to ensure that the testing of eligible pupils is conducted in a manner that is random. The test will utilize a urine sample as the specimen to be tested.
- Testing will only occur on student-athlete contact days during the academic year. Students will only be tested on a regular school day. Testing will not occur on a weekend, holiday or other non-student school day and will usually occur at a practice.
- Selection of eligible athletes for testing will be conducted on a random basis as described below:
    - The athletes, selected for testing, will be identified ONLY by their student ID number.
    - All athletic rosters will be entered on **POWER SCHOOL** to determine ID number.
    - The school designee will notify the individuals selected for testing on the day of the test and will escort each one to the testing site.
    - All teams will have at least one member tested.
    - Five percent (5%) of ***in season*** teams' members will be tested during the season.
    - Alternate pupil selection will be made in the event of pupil absence. A student who is absent on the day of a test will be excused. However, a student who was present during first period class and later leaves campus without a valid excuse or cuts class after it becomes known that students are being tested will be considered as refusing to be tested.
    - The names and/or any other personally identifying information of the participant will remain confidential.

- The day of testing will be varied so that testing does not become predictable.
- A school designee will notify each student personally that he/she has been selected for testing immediately prior to testing. The student shall be escorted immediately to the collection site. The student will not be allowed to go to his or her locker for any reason. The student will not be allowed to leave the presence of a school employee or testing coordinator until he or she has been tested**. <u>If the student refuses to cooperate with school employees or the testing coordinator, the refusal will be reported as a positive test result.</u>**
- The principal, athletic director or designee and the testing coordinator will select the location to use for collecting samples.
- Students will be randomly selected by the test provider.
- If a student refuses to test he/she will be dismissed from his/her sport for the remainder of that school year and will not be allowed to play any sports for the rest of the year. If the student wants to participate in any other sports during his/her high school career. They must provide a negative urine based test.

- The custodial parent(s) or legal guardian(s) may request, in writing, that the testing coordinator add their son or daughter to the next available selection list. The addition of a student at the request of the custodial parent(s) or legal guardian(s) will not affect the number of athletes that must be tested.

<u>Reasonable Suspicion Testing</u>

- Any athlete who, while on school property and/or participating in an athletic event, behaves in a manner that may cause reasonable suspicion that the athlete may be using a controlled substance will be required, by an officer of the school system, to submit to a controlled substance test.

- **Furthermore, if an athlete on other than school property exhibits behavior that causes a reasonable suspicion that the athlete may be using a controlled substance (actions include, but are not limited to, arrest or citation for drug related activity) that athlete may be required by a school official to submit to a controlled substance test.**

<u>Collection of Samples</u>

- All aspects of the program, including the collection of the specimen, will be conducted so as to safeguard all personal and privacy rights of the participant to the maximum extent possible. The participant's test results are treated as a confidential health record pursuant to all state and federal regulations. Any information obtained by the program which would identify the participant as a drug user may be disclosed only for the purposes and

conditions permitted by federal regulations. No testing record of any participant will be used to initiate or substantiate any criminal charges against a participant or to conduct any investigation of the participant. Montgomery County Schools will not share the individual test results with law enforcement authorities. Montgomery County School students will be tested for marijuana, cocaine, steroids, amphetamines/methamphetamines, PCP (a hallucinogen), opiates, barbiturates, benzodiazepines alcohol, steroids and other non-prescribed medications

- Each student will be monitored in a non-intrusive manner to detect any attempt to provide a false specimen. Students will be given the opportunity to notify the testing coordinator, in writing, if they are taking any prescription or non-prescription drugs at the time of the test.
- **Any attempt by a student to tamper with the specimen collection process will be reported as a positive test result. Athletes that attempt to tamper with test results will be disqualified from participating in all sports for the remainder of their high school career.**
- The test procedure will utilize a urine sample as the specimen to be tested.
- The testing coordinator will implement procedures to insure that each student's sample is appropriately labeled and secured to prevent the sample from being lost, misplaced or contaminated.
- A strict Chain of Custody will be followed for each specimen collected to ensure accuracy and confidentiality.
- The testing coordinator shall:
    - Provide each student with a sanitized kit containing a specimen collection device. The device will remain in the student's possession until it returned to the collection staff. The student will sign a form certifying that the collection device contains his or her sample and that the specimen has been sealed. If a student is unable to urinate, they will be given a large glass of water and up to one hour to provide a urine sample.
    - **Label the specimen collection device with only with the student's initials.**
    - After the specimen has been sealed, the specimen will be transported to the testing laboratory by the testing coordinator or designee.

Notification of Testing Results

- **When a student's test is confirmed positive, the Medical Review Officer from the test provider will first contact the student's custodial parent(s) or legal guardian(s) and then the designated school official. The school official will contact the student's custodial parent(s) or legal guardian(s) to schedule a meeting.** Positive results will be confirmed at a federally certified laboratory by a process that detects minute levels of prohibited substances in urine**.**
- The student and custodial parent(s)/legal guardian(s) will be given an opportunity to present information to a medical review officer, such as the documented use of a prescription medication or an over the counter drug which may render the positive test result invalid or negative. Failure or refusal of the student and/or the student's custodial parent(s)/legal guardian(s) to cooperate with the school will constitute a refusal to test and therefore a positive result. The school will inform the student and the student's

custodial parent(s)/legal guardian(s) of the opportunity for an additional confirming test at the student's expense from the remaining sample of the original specimen. If the school determines that a "positive" test result was the result of the lawful use of a prescription or non prescription drug, the test results will be considered negative.

- Montgomery County Schools will use the standard cut off scores generally used by NIDA and/or SAMHSA for determining a positive test result. The testing coordinator must use a laboratory that is appropriately licensed by the NIDA or SAMHSA.
- Students' test results will be kept in confidential files separate and apart from his or her other educational records. Test results will only be disclosed to personnel who have a need to be informed regarding the result of the test in order to implement or oversee implementation of the program or the consequences for violating the policy. Information resulting from drug testing under the Random Drug Testing program will not be given to any law enforcement authorities.
- The student will not be allowed to participate in any athletic event until they provide a negative urine based drug test. The student will be responsible for the cost of the test.

Consequences

- A refusal to provide a sample will be treated as a positive test result.
- Possible consequences will result from the following:
    - A confirmed positive drug test
    - Refusal to participate in testing when selected
    - Tampering with the specimen collection process

Consequences of a Confirmed Positive Test

- The designated school official will contact the student's parent(s) or guardian(s) to schedule a meeting.
- The student will not be allowed to participate in any athletics until they provide a negative urine based drug test. The student will be responsible for the cost of the test.
- It is required that the student attend an Early Intervention Program conducted by an agency approved by Montgomery County Schools as an appropriate substance abuse treatment center. The principal or designee may approve alternate forms of counseling programs.
- If the student has a second confirmed positive drug test during their high school career, the student will forfeit the privilege to participate in any athletic activities for at least one calendar year (365 days)
- If the student has a third positive test, it shall be assumed that the student has a serious drug problem. The student must present certification from an agency approved by the Department of Health that he/she is drug free before being considered for being allowed to participate in athletics.

Failure to complete all requirements will result in the student being ineligible to participate in athletics.

Appeal Procedure

- A student or his or her parent(s) or guardian(s) may request a retest, which must be urine based, of his or her original specimen at his or her expense at a laboratory approved by Montgomery County Schools and which follows Federal Substance Abuse and Mental Health Services Administration (SAMHSA) standards concerning drug testing protocols and procedures. Requests must be made within twenty-four (24) hours of receiving the results of the positive drug test. The specimen previously submitted will be forwarded to the approved lab in cooperation with the schools' approved outside agency responsible for confirmatory testing.

All school employees and the testing coordinator, their agents and employees shall maintain the confidentiality of all personally identifiable student information and test results as a result of this policy.

Adopted: June 3, 2013
Updated: May 2, 2017

DISCRIMINATION AND HARASSMENT PROHIBITED BY FEDERAL LAW

Policy Code: **1710/4020/7230**

The board acknowledges the dignity and worth of all students and employees and strives to create a safe, orderly, caring, and inviting school environment to facilitate student learning and achievement. The board prohibits discrimination on the basis of race, sex, color, national origin, religion, disability, or age (40 or older), and will provide equal access to the Boy Scouts and other designated youth groups as required by law.

The board will not tolerate any form of unlawful discrimination or harassment in any of its education activities or programs. All forms of prohibited discrimination and harassment are subject to this policy except the following, for which the board has established more specific policies.

- Discrimination and harassment on the basis of sex is addressed in policy 1720/4030/7235, Title IX Nondiscrimination on the Basis of Sex.

- Discrimination and harassment in employment is addressed in policy 7232, Discrimination and Harassment in the Workplace.

In addition, the process set out in this policy for bringing complaints does not apply to the following.

- Complaints of sexual harassment will be brought in accordance with the processes established in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process.

- Employee allegations of discrimination or harassment will be addressed using the process established in policy 7232, Discrimination and Harassment in the Workplace.

- Allegations regarding or related to the identification, evaluation, educational placement, or free appropriate public education of a student under Section 504 or the IDEA may be raised through the system of procedural safeguards established under policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, (for Section 504 complaints) or in accordance with the procedures described in *Parents Rights & Responsibilities in Special Education*, published by the NC Department of Public Instruction (for IDEA complaints).

The board takes seriously all reports of unlawful discrimination and harassment and directs school officials to take prompt action to investigate and remedy violations of this policy. The superintendent is responsible for providing effective notice of this policy to students, parents, and employees.

The board encourages students, visitors, and other non-employee individuals who believe that they may have been discriminated against or harassed in violation of this policy, (including on the basis of disability, as specified in policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities), to report such conduct as soon as possible through the process provided in Section B of this policy. Employees who believe that they may have been discriminated against or harassed should report through the process provided in policy 7232, Discrimination and Harassment in the Workplace. Individuals who have witnessed or who have reliable information that another person has been subject to unlawful discrimination or harassment may report the conduct to an individual designated in Section B of this policy.

Any report made through the process established in this policy may be made anonymously, except mandatory employee reports.

A. PROHIBITED BEHAVIOR

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

1. Discrimination

   Discrimination is any act or failure to act, whether intentional or unintentional, by an employee or agent of the school system that unreasonably and unfavorably differentiates treatment of others based solely on their membership in a legally-protected class so as to interfere with or limit their ability to participate in or benefit from the services, activities, or privileges offered by the school system's education program. For purposes of this policy, the legally protected classes are race, color, national origin, religion, and disability.

2. Harassment

   Prohibited harassment is deliberate unwelcome conduct directed at another person or group of persons based on their membership in a legally protected class that creates a hostile environment. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a person's ability to participate in or benefit from the services, activities, or opportunities offered by the school system.

   Examples of behavior that may constitute harassment include, but are not limited to, acts of disrespect, intimidation, or threats, such as verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, exclusion from peer groups, extortion of money or possessions, implied or stated threats, assault,

impeding or blocking movement, offensive touching, or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Harassment may occur through electronic means, such as through the Internet, email, or text message. Legitimate age-appropriate pedagogical techniques are not considered harassment.

3. Application of the Policy

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

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

B. REPORTING DISCRIMINATION OR HARASSMENT

1. Any person who believes that he or she has been discriminated against or harassed in violation of this policy by any student, employee, or other person under the supervision and control of the school system, or any third person who knows or suspects conduct that may constitute discrimination or harassment should inform a school official designated in Section C below. Reports also may be made anonymously through the anonymous tip line.

2. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that a student or other individual may have been discriminated against or harassed in violation of this policy must report the offense immediately to an appropriate individual designated in Section C below. Any doubt about whether particular conduct is possible discrimination or harassment under this policy or any other policy of the board must be resolved in favor of reporting the conduct.

Employees who observe an incident of harassment are expected to intervene to stop the conduct in situations in which they have supervisory control over the perpetrator and it is safe to do so. If an employee knows of an incident involving discrimination or harassment and the employee fails to report the conduct or take proper action or knowingly provides false information in regard to the incident, the employee will be subject to disciplinary action up to, and including, dismissal.

3. Preliminary Inquiry

School officials may make a preliminary inquiry when a report is received to understand what occurred and to determine whether further action under this policy or otherwise is necessary.

C. COMPLAINTS OF DISCRIMINATION AND HARASSMENT

1. A student, visitor, or other non-employee individual who believes he or she is the victim of unlawful discrimination or harassment in violation of this policy, or any person who has witnessed or who has reliable information that another person has been subject to unlawful discrimination or harassment under this policy, may make a formal written complaint to any of the following persons:

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

   b. the Section 504 coordinator or the ADA coordinator for claims of discrimination on the basis of a disability; or

   c. for claims of other forms of prohibited discrimination, the applicable civil rights coordinator as established in Section I of this policy.

   If a written complaint alleges that the perpetrator is an employee, the school official receiving the complaint shall notify the senior human resources official without delay.

2. A written complaint alleging that a student has been discriminated against or harassed will be addressed in accordance with this policy.

   A written complaint alleging that an employee has been discriminated against or harassed will be addressed in accordance with policy 7232, Discrimination and Harassment in the Workplace.

   A written complaint alleging that person who is not a student or employee has been discriminated against or harassed will be addressed in accordance with the general process for resolving complaints provided in policy 1742/5060, Responding to Complaints, not this policy.

3. Time Period for Making a Complaint

   Alleged discrimination or harassment should be reported as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly

impair the ability of school officials to investigate and respond to such complaints.

D. SCHOOL OFFICIALS' RESPONSE TO REPORTS AND COMPLAINTS OF DISCRIMINATION OR HARASSMENT

1. Investigation

School officials shall investigate all formal written complaints received. Reports of discrimination or harassment that are not followed by a formal written complaint may be investigated at the discretion of school officials and may be investigated even if the alleged victim does not seek action by school officials.

a. The principal or designee or site supervisor will be the investigator when the alleged perpetrator is a student or third party. The senior human resources official or designee will be the investigator when the alleged perpetrator is an employee. The superintendent may determine that individual circumstances warrant the assignment of a different investigator.

Notwithstanding the above designations, (1) if the alleged perpetrator is the senior human resources official, the superintendent will be the investigator, and (2) if the alleged perpetrator is the superintendent or a member of the board, the board chair shall direct the board attorney to investigate, unless the board chair determines that outside counsel should be engaged to investigate.

b. As applicable, the investigator shall immediately notify the Section 504, ADA, or other relevant coordinator of the complaint, and, as appropriate, may request assistance from the coordinator in conducting the investigation.

c. If the investigator, after interviewing the complaining party and/or the alleged victim and consulting with the board attorney, determines that the allegations submitted, even if factual, do not constitute discrimination or harassment as defined in this policy or policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, school officials shall address the matter outside the scope of this policy. Information regarding the investigator's determination and the process for addressing the complaint will be provided to the complaining party.

d. Any investigation conducted must be impartial, prompt, and thorough. The investigator shall investigate the facts and circumstances related to the allegation(s) of discrimination or harassment and give the alleged perpetrator an opportunity to respond to the allegations.

The investigator shall consider all the evidence collected, the context in which the alleged incidents occurred, the age and maturity of the parties, and any other relevant circumstances, and in consultation with the board

attorney as appropriate, shall determine whether the alleged act(s) constitutes a violation of this policy, policy 1730/4022/7231, Nondiscrimination on the Basis of Disabilities, and/or any other board policy or expected standard of student or employee behavior.

e. The complaint and investigation will be kept confidential to the extent possible and consistent with law. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately and those with a legal right to access the information.

2. Investigator's Findings

a. If the investigator finds that discrimination occurred, the investigator shall take or recommend steps to address the discrimination.

b. If the investigator finds that harassment occurred and created a hostile environment, the investigator shall assign or recommend appropriate disciplinary consequences for the perpetrator and/or take or recommend other reasonable measures to eliminate the hostile environment and prevent its recurrence.

c. If the investigator finds that the conduct did not violate this policy but violated policy 4329/7311, Bullying and Harassing Behavior Prohibited, or another board policy or expected standard of conduct, the investigator shall assign or recommend discipline or other action appropriate to the violation.

d. The investigator shall make a record of the evidence and findings of the investigation and the assigned or recommended discipline and/or other remedial action and provide a copy to the appropriate civil rights coordinator. If the investigator recommends a disciplinary consequence or remedial action that is beyond his or her authority, the investigator shall provide a copy of the record to the superintendent for further action.

e. The investigator shall inform the alleged victim and alleged perpetrator of the outcome of the investigation.

3. Steps to Reasonably End Discrimination or Harassment

a. The superintendent is responsible for taking or causing appropriate action to be taken in response to discrimination and harassment in violation of this policy. Appropriate action must include:

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

ii. as needed, reasonable steps to address the effects of the discrimination or harassment on the victim; and

iii. as needed, reasonable steps to protect the victim from retaliation as a result of the complaint.

b. Appropriate steps to end discrimination and harassment may include, but are not limited to, separating the parties, providing counseling for the parties, and/or taking disciplinary action against a perpetrator determined to have violated this policy. The superintendent may take non-punitive measures to end or prevent instances of discrimination or harassment regardless of whether any individual has been found responsible for the discrimination or harassment. The superintendent also may implement or direct the implementation of classroom-wide, school-wide, or school system-wide responses such as additional staff training, harassment prevention programs, and other measures reasonably calculated to end the behavior, eliminate a hostile environment and its effects if one has been created, and prevent recurrence of the behavior.

c. The applicable civil rights coordinator shall encourage victims of discrimination and harassment to report any subsequent problems and may conduct follow-up inquiries as warranted to determine if there have been any new incidents of discrimination or harassment or any instances of retaliation.

E. APPEALS

1. If the alleged victim is dissatisfied with the outcome of the investigation, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the superintendent, in which case the alleged victim may appeal directly to the board in accordance with the next paragraph). The appeal must be submitted in writing within three school business days of receiving the notice of the outcome of the investigation. The superintendent may review the documents, conduct any further investigation necessary, or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

2. Student victims may appeal the superintendent's decision to the board in accordance with subsection E.5.a of policy 1740/4010, Student and Parent Grievance Procedure. Employees may appeal the superintendent's decision to the board in accordance with subsection E.4.a of policy 1750/7220, Grievance Procedure for Employees.

3. Any student or employee subject to discipline for violating this policy will be accorded all rights provided by law.

F. RETALIATION PROHIBITED

The board prohibits retaliation against any person for making a report or complaint of a violation of this policy, supporting someone for reporting or intending to report a violation of this policy, or participating in the investigation of a reported violation of this policy. No reprisals will be taken by the board against a complaining party or other individual who makes a good faith report of discrimination or harassment. Any person who is found to have engaged in retaliation will be subject to discipline, up to and including dismissal. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

G. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to prevent discrimination and harassment and to foster an environment of understanding and respect for all members of the school community. Information about the prohibited conduct and complaint procedure in this policy and those in policies 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process, and 1726/4036/7237, Title IX Sexual Harassment Grievance Process, must be included in the training plan.

As funds are available, the board will provide students, employees, and volunteers who have significant contact with students with additional training regarding the board's efforts to address discrimination and harassment and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes discrimination or harassment; (2) teach employees to identify groups that may be the target of discrimination or harassment; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, on cell phones, and on the Internet.

H. RECORDS

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

I. CONTACTS FOR INQUIRIES

The superintendent has appointed individuals to coordinate the school system's efforts to comply with and carry out its responsibilities under federal nondiscrimination laws, including investigating any complaints communicated to school officials alleging noncompliance with those laws. Inquiries about the application of the nondiscrimination

laws addressed in this policy may be referred to the designated civil rights coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the designated civil rights coordinators is as follows.

a. The Section 504 Coordinator is: ~~Ms. JaMese Black~~ Dr. Jack Cagle
Office Address: 441 Page Street, Troy, NC 27371
Email Address: ~~jamese.black@montgomery.k12.nc.us~~
jack.cagle@montgomery.k12.nc.us
Phone Number: (910) 576-6511

b. The ADA Coordinator is: ~~Mr. Tracy Grit~~ Dr. Emily Shaw
Office Address: 441 Page Street, Troy, NC 27371
Email Address: ~~tracy.grit@montgomery.k12.nc.us~~
emily.shaw@montgomery.k12.nc.us
Phone Number: (910) 576-6511

c. The Age Discrimination Coordinator is: ~~Mr. Tracy Grit~~ Dr. Emily Shaw
Office Address: 441 Page Street, Troy, NC 27371
Email Address: ~~tracy.grit@montgomery.k12.nc.us~~
emily.shaw@montgomery.k12.nc.us
Phone Number: (910) 576-6511

d. The Coordinator for Other Non-discrimination Laws is: ~~Mr. Tracy Grit~~ Dr. Emily Shaw
Office Address: 441 Page Street, Troy, NC 27371
Email Address: ~~tracy.grit@montgomery.k12.nc.us~~
emily.shaw@montgomery.k12.nc.us
Phone Number: (910) 576-6511

The contact information for the U.S. Department of Education Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.*, 34 C.F.R. pt. 110; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 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; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994), available

at https://www2.ed.gov/about/offices/list/ocr/docs/race394.html; *Notice of Non-Discrimination*, U.S. Department of Education, Office for Civil Rights (2010); *Dear Colleague Letter* (Harassment and Bullying), U.S. Department of Education, Office for Civil Rights (2010), available at http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.pdf; G.S. 115C-407.15 through -407.18; 126-16; 16 N.C.A.C. 6E .0107; *Parent Rights & Responsibilities in Special Education*, (N.C. Dept. of Public Instruction, Exceptional Children Division), available at https://ec.ncpublicschools.gov/parent-resources/parents-rights-handbook

Cross References: 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), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Hearings Before the Board (policy 2500), Staff-Student Relations (policy 4040/7310), School Plan for Management of Student Behavior (policy 4302), Bullying and Harassing Behavior Prohibited (policy 4329/7311), Visitors to the Schools (policy 5020), Community Use of Facilities (policy 5030), Discrimination and Harassment in the Workplace (policy 7232)

Adopted: December 7, 2020
Updated: June 7, 2021

TITLE IX NONDISCRIMINATION ON THE BASIS OF SEX

Policy Code: **1720/4030/7235**

The school system does not discriminate on the basis of sex (including pregnancy, childbirth, sexual orientation, and gender identity) in its education programs or activities and is required by Title IX of the Education Amendments Act of 1972 and federal regulations to not discriminate in such a manner. This requirement extends to admission and employment. The board will not tolerate discrimination on the basis of sex, including any form of sexual harassment as that term is defined under Title IX, in any program or activity of the school system.

A. INQUIRIES ABOUT TITLE IX

The board has designated a Title IX coordinator to coordinate its efforts to comply with its responsibilities under Title IX and its implementing regulations. Inquiries about the application of Title IX and its implementing federal regulations may be referred to the Title IX coordinator and/or the Assistant Secretary for Civil Rights in the Office for Civil Rights at the U.S. Department of Education.

The contact information for the Title IX coordinator is as follows.

The Title IX Coordinator is: ~~Emily Shaw~~ Dr. Takeda LeGrand
Office Address: 441 Page Street, Troy, NC 27371
Email Address: takeda.legrand@montgomery.k12.nc.us Phone Number: 910-576-6511

The contact information for the Office for Civil Rights with jurisdiction over North Carolina is as follows.

4000 Maryland Ave, SW
Washington, DC 20202-1475
Telephone: 202-453-6020 TDD: 800-877-8339
FAX: 202-453-6021 Email: OCR.DC@ed.gov

B. RESOLUTION OF GRIEVANCES

The board has established grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination on the basis of sex (other than sexual harassment) in a program or activity of the school system occurring against a person in the United States. Students and parents or guardians may report such alleged discrimination through the process provided in policy 1740/4010, Student and Parent Grievance Procedure. Employees and applicants may use the process provided in policy 1750/7220, Grievance Procedure for Employees.

The board has adopted additional means for reporting sexual harassment specifically. Any person may report alleged sexual harassment in the education program or activities of the

school system occurring against a person in the United States in accordance with policy 1725/4035/7236, Title IX Sexual Harassment – Prohibited Conduct and Reporting Process. Those who believe they have been sexually harassed may also file a formal complaint of sexual harassment in accordance with policy 1726/4036/7237, Title IX Sexual Harassment Grievance Process, to initiate a prompt and equitable resolution through a formal investigation and adjudication or through an informal resolution process. The board encourages students, employees, and applicants to first make a report of sexual harassment in accordance with policy 1725/4035/7236 before filing a formal complaint.

C. RETALIATION PROHIBITED

Retaliation against any person for the exercise of rights under Title IX or to interfere with those rights in any way is strictly prohibited and will subject the perpetrator to disciplinary action. The identity of any person who has made a report or complaint of sex discrimination or sexual harassment or who is the alleged perpetrator of sex discrimination or sexual harassment will be confidential unless otherwise required or permitted by law. Complaints alleging retaliation may be filed according to the grievance processes established in policies 1740/4010 and 1750/7220. Acts of retaliation may also be subject to policy 1760/7280, Prohibition Against Retaliation.

D. NOTICE OF THE BOARD'S POLICY OF NONDISCRIMINATION BASED ON SEX

The superintendent is responsible for providing notice of the board's nondiscrimination policy to students and their parents or legal guardians, employees, and applicants for admission or employment. The superintendent shall also ensure that each principal or site supervisor makes a copy of this policy available to those persons. In addition, the following must be posted on the school system website and included in all student and employee handbooks: (1) a statement of the board's policy of nondiscrimination on the basis of sex; (2) contact information for the Title IX coordinator; and (3) a statement that Title IX inquiries may be referred to the Title IX coordinator or to the Assistant Secretary for Civil Rights.

Legal References: Title IX of the Education Amendments Act of 1972, 20 U.S.C. 1681 *et seq.*; 34 C.F.R. Part 106; *Grimm v. Gloucester County School Board*, 972 F.3d 586 (4th Cir. 2020)

Cross References: 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), Responding to Complaints (policy 1742/5060), Grievance Procedure for Employees (policy 1750/7220), Prohibition Against Retaliation (policy 1760/7280), Staff-Student Relations (policy 4040/7310)

Other Resources: *Enforcement of Title IX of the Education Amendments of 1972 with Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of Bostock v. Clayton County*, U.S. Department of Education, Office for Civil Rights (2021)

Adopted: November 2, 2020

Updated: March 1, 2021
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