**MONTGOMERY COUNTY BOARD OF EDUCATION**
**Montgomery County Schools Administrative Offices**

| ***Presenters will:*** | ***Board Members will:*** |
|---|---|
| -Prepare clearly and concisely worded memos that summarize agenda topics and items for the Board's review.<br>-Prepare clearly and concisely worded agenda items for the Board's review.<br>-Present with the understanding that pre-meeting materials have been reviewed and will refrain from re-hashing or re-reading the Board memos.<br>-Present agenda items that cover the topic, add clarity or understanding to the agenda item, and allow for discussion with the realization that time is of the essence.<br>-Clearly answer questions from the Board.<br>-Research items and questions that the answer is not known at the time and provide that answer to the Superintendent for follow-up with the Board. | -Read summation memos prior to the Board meeting<br>-Review all agenda items prior to the Board meeting<br>-Listen attentively to all presentations<br>-Hold questions to the end of the presentation unless prompted by the presenter<br>-Ask questions of the presenter clearly and one at a time<br>-Allow for professional discourse by giving all Board members time to make inquiries and discuss topics necessary |

**Monday, May 1, 2017**
**6:30 p.m.**
**AGENDA**

## GENERAL

- Call to Order and Adoption of Agenda – Chairman, Steve DeBerry
- Opening Devotional – Chairman DeBerry
- Pledge of Allegiance to the Flag of the United States of America – Chairman DeBerry
  - East Middle Students Vanessa Sanders and Jaden Wallace

## PUBLIC COMMENT PERIOD

## RECOGNITIONS

- Resolution of Esteem for John Frederick Barden **(Enclosure 1)** – Chairman DeBerry
- East Middle Employees of the Month – Dale Ellis and Della Ingram
  - Jackie Baldwin – Certified
  - Judy Martin – Classified
- East Montgomery Employees of the Month – Dale Ellis and Tim Addis
  - April Daywalt – Certified
  - Cheryl Johnson – Classified
- Modern Woodmen of America Speech Contest – Dale Ellis and Deidra Steed
  - Lillian Wood – Page Street
- Governor's School - Dale Ellis and Deidra Steed
  - Rafael Marquez – East Montgomery
- The Lighthouse Award – Dale Ellis and Pokie Noland
  - Jan Ray, West Montgomery
- Professional Standards Program Certificate – Dale Ellis
  - Pam Cameron - New
  - Shirley Harris - Renewal
  - Lisa Ritter - Renewal

**CONSENT AGENDA**

- Board Minutes from April 3rd Budget Work Session and Board Meeting **(Enclosure 2)** – Pam Cameron
- Personnel and Auxiliary Reports **(Enclosure 3)** – Kevin Lancaster
- Budget Amendment **(Enclosure 4)** – Mitch Taylor
- Lease Agreement – **(Enclosure 5)** – Dale Ellis

**I. NC Public Schools Will Produce Globally Competitive Students**

- East Middle Presentation, "The Interact Club" – Della Ingram with Kelley Hensley
- East Montgomery Presentation, "A Classroom Snapshot" – Tim Addis with Janet Deaton and AJ Whitesell
- Diversity and Equity Presentation **(Enclosure 6)** – Takeda Legrand and Kevin Lancaster

**II. NC Public Schools Will Be Led by 21st Century Professionals**

- Teacher Appreciation Proclamation – Dale Ellis **(Enclosure 7)** *Action Item*

**III. NC Public School Students Will Be Healthy and Responsible**

- Equity in School Lunch Pricing **(Enclosure 8)** – Terry Jordan

**IV. Leadership Will Guide Innovation in NC Public Schools**

**V. NC Public Schools Will be Governed and Supported by 21st Century Systems**

- Policies **(Enclosure 9)** – Kevin Lancaster *Action Item*
  - 4326 - Random Drug Testing Program
  - 5225 - Collections and Solicitations (On-Line)
- Policies **(Enclosure 10)** – Kevin Lancaster *First Read*
  - Policy 1200 Governing Principle – Student Success
  - Policy 1300 Governing Principle – Parent Involvement
  - Policy 1310/4002 Parental Involvement
  - Policy 1320/3560 Title 1 Parent and Family Engagement
  - Policy 3410 Testing and Assessment Program
  - Policy 3420 Student Promotion and Accountability
  - Policy 3470/4305 Alternative Learning Programs/Schools
  - Policy 3640/5130 Student Voter Registration and Preregistration
  - Policy 4125 Homeless Students
  - Policy 4150 School Assignment
  - Policy 4155 Assignment to Classes
  - Policy 4250/5075/7316 North Carolina Address Confidentiality Program
  - Policy 4302-R Rules for Use of Seclusion and Restraint in Schools
  - Policy 4700 Students Records
  - Policy 5008 Automated Phone and Text Messaging
  - Policy 5030 Community Use of Facilities
  - Policy 6140 Student Wellness
  - Policy 6320 Use of Student Transportation Services
  - Policy 6450 Purchase of Services
  - Policy 7930 Professional Employees: Demotion and Dismissal

**VI. Superintendent's Remarks**

- Dale Ellis

**CLOSED SESSION FOR THE PURPOSE OF DISCUSSING PERSONNEL [NC GENERAL STATUTE 143-318.11(a)(6)].**

**ADJOURNMENT –** Chairman DeBerry

**Agenda items are found on Board Notes at www.montgomery.k12.nc.us after each Montgomery County Board of Education Meeting.**

**MONTGOMERY COUNTY BOARD OF EDUCATION**

**RESOLUTION OF ESTEEM**

FOR

# *John Frederick Barden*

**WHEREAS,** our Heavenly Father, in His infinite love and wisdom, saw fit to call home John Frederick Barden on April 1, 2017 and

**WHEREAS,** his dedication to Montgomery County Schools for thirty-six years as a teacher, assistant principal and coach, were a living testament of his integrity and skill, and

**WHEREAS,** his loss will be deeply felt not only by those with whom he served, but also throughout his entire community and county.

**NOW, THEREFORE,** be it resolved that the Montgomery County Board of Education goes on record in expressing a sense of real loss and regret in his passing; that a copy of this resolution be conveyed to his family as an indication of our deep sympathy; and that a copy of the same be filed as a part of the permanent minutes of the Board of Education.

***MONTGOMERY COUNTY BOARD OF EDUCATION***

| | |
|---|---|
| Steven W. DeBerry, Chairman | Dale Ellis, Ed. D., Secretary |

Tommy Blake ~ Bryan Dozier ~ Jesse Hill
Ann S. Long ~ Sandra Miller ~ Shirley M. Threadgill

MAY 2017

# MONTGOMERY COUNTY BOARD OF EDUCATION
# BUDGET WORK SESSION

## April 3, 2017

The Montgomery County Board of Education convened in a budget work session on Monday, April 3, 2017, at 5:00 p.m., prior to the regular board meeting with the following members present:

Steven S. DeBerry, Chair
Tommy Blake, Vice Chair
Bryan Dozier
Jesse Hill
Ann S. Long
Sandra Miller
Shirley M. Threadgill

Chairman DeBerry called the meeting to order and asked for a motion to approve the agenda as shown. The agenda was approved with a motion by Sandra Miller and a second by Bryan Dozier.

Mitch Taylor gave an overview of our budget situation from a local and state perspective. He also showed current local budget and projected local revenues.

The following are estimates based upon information received from the Department of Public Instruction's initial allotment and the Governor's proposed budget indicating reduction areas for 2017-2018. The information currently provided is subject to change when the actual state budget is adopted.

**Projected Revenue 2017-2018**

| **Local Current Revenues** | |
|---|---|
| County Appropriation | $ 5,464,912 |
| Fines and Forfeitures | $ 290,000 |
| Timber Receipts | $ 61,000 |
| Pre-K Funds | $ 30,000 |
| E-Rate Funds | $ 10,000 |
| Interest on Investments | $ 24,000 |
| Appropriated Fund Balance | $ 903,010 |
| **Total Projected Local Current Revenues** | **$ 6,782,922** |

A motion by Ann Long was made to submit the Montgomery County budget as shown, along with a second from Sandra Miller. The board unanimously approved this motion.

Chairman DeBerry then asked for a motion to adjourn the meeting. Bryan Dozier made the motion and Tommy Blake seconded. The budget work session was duly adjourned.

Steven W. DeBerry, Chair

Dale Ellis, Ed. D., Secretary

**MONTGOMERY COUNTY BOARD OF EDUCATION**
**MINUTES**

**April 3, 2017**

The Montgomery County Board of Education convened in its regular monthly meeting on Monday, April 3, 2017 at 6:30 p.m. Board members present were Steven W. DeBerry – Chair, Tommy Blake – Vice Chair, Jesse Hill, Ann Long, Shirley Threadgill, Sandra Miller and Bryan Dozier.

Chairman DeBerry called the meeting to order and moved to adopt the agenda as shown. Sandra Miller made the motion with Jesse Hill seconding. The agenda was approved with unanimous approval from the board.

Superintendent Ellis asked Chairman DeBerry if he could request a moment of silence for Fred Barden, who passed away on Saturday. Dr. Ellis recognized Mr. Barden for his work in and for the school system, first as a teacher and coach and later as the board reporter for the Montgomery Herald.

Chairman DeBerry opened by reading a devotional on Dr. Thomas Starzl, a pioneer in liver transplantation. Dr. Starzl tried for many years unsuccessfully to perform transplants. He began his study by using dogs before successfully transplanting in humans. Starzl was criticized for even attempting liver transplants, but still he persevered. Today, liver transplants are routinely performed around the world. Let failures teach you, not trip you.

Star Elementary students Maliyah McCrimmon and Myles Morgan led the Pledge of Allegiance to the Flag of the United States of America.

A Resolution of Esteem for William Anthony Greene and Karen Parsons Williams was presented. They read as follows:

**MONTGOMERY COUNTY BOARD OF EDUCATION**

**RESOLUTION OF ESTEEM**

FOR

***William Anthony Greene***

**WHEREAS**, our Heavenly Father, in His infinite love and wisdom, saw fit to call home William Anthony Greene on March 17, 2017 and

**WHEREAS**, his services as a board member with Montgomery County Schools were a living testament of his integrity and skill, and

**WHEREAS**, his loss will be deeply felt not only by those with whom he served, but also throughout his entire community and county.

**NOW, THEREFORE**, be it resolved that the Montgomery County Board of Education goes on record in expressing a sense of real loss and regret in his passing; that a copy of this resolution be conveyed to his family as an indication of our deep sympathy; and that a copy of the same be filed as a part of the permanent minutes of the Board of Education.

***MONTGOMERY COUNTY BOARD OF EDUCATION***

Steven W. DeBerry, Chairman

Dale Ellis, Ed. D., Secretary

Tommy Blake ~ Bryan Dozier ~ Jesse Hill
Ann S. Long ~ Sandra Miller ~ Shirley M. Threadgill

APRIL 2017

**MONTGOMERY COUNTY BOARD OF EDUCATION**

**RESOLUTION OF ESTEEM**

FOR

***Karen Parsons Williams***

**WHEREAS**, our Heavenly Father, in His infinite love and wisdom, saw fit to call home Karen Parsons Williams on January 18, 2017 and

**WHEREAS**, her services as a teacher for thirty-one years with Montgomery County Schools were a living testament of her integrity and skill, and

**WHEREAS**, her loss will be deeply felt not only by those with whom she served, but also throughout her entire community and county.

**NOW, THEREFORE**, be it resolved that the Montgomery County Board of Education goes on record in expressing a sense of real loss and regret in her passing; that a copy of this resolution be conveyed to her family as an indication of our deep sympathy; and that a copy of the same be filed as a part of the permanent minutes of the Board of Education.

***MONTGOMERY COUNTY BOARD OF EDUCATION***

Steven W. DeBerry, Chairman

Dale Ellis, Ed. D., Secretary

Tommy Blake ~ Bryan Dozier ~ Jesse Hill
Ann S. Long ~ Sandra Miller ~ Shirley M. Threadgill

Dr. Ellis and Donna Kennedy, Principal at Green Ridge, gave Corey Crane and Pam Maynor the Certified and Classified Employee of the Month award. Mrs. Kennedy said she was blessed to have both employees at her school.

Next, Superintendent Ellis and Teresa Dunn, Principal at Star presented the Certified and Classified award to Star Elementary employees Jaimie Russell and Verenise Valdovinos (Verenise was unable to attend).

Daniel Kern presented student Avery Pipkin with the Woodwork Career Alliance Award. Avery is one of the top ten in the state and the only person from Montgomery County to be lifetime certified.

Teachers Angie Miller, Shirley Collins and Crystal Morgan discussed a power point titled, "Oh, the Places You'll go In Second Grade". The students at Star Elementary Skyped and sent pen pal letters to different countries. This activity has opened interaction and discussion in the classroom.

Kenston Griffin with Dream Builders gave an update of services provided to MCS students for the 2016-17 school year. Dream Builders offers nine programs including academic pullouts and push-ins, ACT/SAT preparation, AVID and observations and professional development. Dream Builders assists elementary through high school students by providing trainers to teach best practices for test taking, college and career readiness, comprehension strategies and character and behavioral education.

Dr. Ellis presented for the board's approval a Recruitment Incentive. Mitch Taylor, Chief Finance Officer, suggested an incentive bonus for teachers who recruit their friends to teach in Montgomery County. MCS will need to hire fifty to sixty teachers next school year. While the exact amount of the bonus has not been decided, the board voted to set aside $15,000 for the incentive. Bryan Dozier made the motion to approve with Sandra Miller seconding. The board approved unanimously.

Next, Superintendent Ellis recommended approval of the new high school name, colors and mascot. Dr. Ellis began by presenting the results of the student and community surveys. The student survey mirrored the recommendation by Dr. Ellis: Montgomery Central High School Timberwolves with the colors of black and gold. For the first vote, the name of the school, Bryan Dozier voiced his opposition for Montgomery Central. After some discussion, the board decided to move on to the vote for mascot. Bryan Dozier made the motion to approve the Timberwolves, while Sandra Miller seconded, stating that it was "fitting" with the lumber industry in the county. The board voted Timberwolves with a six to one vote (Mr. Hill opposed). The motion for the colors of black and gold passed with a vote of four to three (Mr. Hill, Mrs. Long and Mr. Blake opposed). With the name of the school being the only vote left to make, Mr. Dozier made the motion for Montgomery County High School. The motion failed with no second. Mrs. Miller made a second motion to follow Superintendent Ellis' recommendation of the name Montgomery Central High School. Jesse Hill seconded the motion with Mr. DeBerry and Mr. Dozier opposed. Dr. Ellis asked the board's permission to develop names for the new Career and Technical Education building "to pay homage to the Uwharrie Mountains" such as Uwharrie Workforce Development Center, Uwharrie Advanced Career Center or Uwharrie Technical Center.

Dr. Ellis then displayed the floor plans for the new high school and Career and Technical Education building. The plans covered placement of the new high school, sports facilities, office area and classroom layout.

Bill Mingin, Maintenance Director, asked the board to approve the lowest bidder, Carpenter Construction, to complete the East Middle School wing project with the options of alternate one and alternate two. Alternate one will add four new classrooms and alternate two will add an awning. Bryan Dozier made the motion to approve the bidder and alternates. Shirley Threadgill seconded the motion with unanimous board approval.

Deputy Superintendent Kevin Lancaster submitted the 2017-18 Montgomery County Early College calendar for approval. The calendar was presented for first read at the March meeting. Tommy Blake made the motion to approve the calendar with Sandra Miller seconding.

Dr. Lancaster then presented policy code 4326: Random Drug Testing Program and policy code 5225: Collections and Solicitations (On line) for first read. These codes will be up for approval at the May board meeting.

Chairman DeBerry then asked for a motion to adjourn and move into closed session to discuss personnel. With a motion by Bryan Dozier and a second from Shirley Threadgill, the board unanimously approved going into closed session.

Chairman DeBerry asked for approval of the consent agenda. With a motion by Sandra Miller and a second by Jesse Hill, the consent agenda was approved as presented. Items approved were as follows:

1. Board minutes from March 5th board meeting;
2. Personnel and Auxiliary Reports:

a. Upon the recommendation of the principal, approval of the following additions to the substitute teacher list:

| **Noncertified** | **Recommended By** | **Record Check** |
|---|---|---|
| 1. Lamar Little | Donna Kennedy | Yes |
| 2. Ann Parsons | Donnie Lynthacum | Yes |
| 3. Keyara Johnson | Anne McLean | Yes |

| **Certified** | **Recommended By** | **Record Check** |
|---|---|---|
| 1. Anthony Maynor | John McMillan | Yes |

b. Superintendent reports the acceptance of the following resignations/retirements:

| **Resignation/Retirement** | **School/Assignment** | **Effective Date** |
|---|---|---|
| 1. Perry Owens Resignation | Montgomery Learning Ac. Grade Point Facilitator | March 27, 2017 |
| 2. Jilinda Freeman Resignation | West Middle School 6th Grade ELA | March 9, 2017 |

| | | |
|---|---|---|
| 3. Ben Hammer<br>Resignation | East Montgomery High<br>Social Studies Teacher | March 20, 2017 |
| 4. Austin Allen<br>Resignation | Star Elementary School<br>Custodian | March 10, 2017 |
| 5. Kenneth Neal<br>Resignation | West Montgomery High<br>Guidance Counselor | March 14, 2017 |
| 6. James Johnson<br>Resignation | West Montgomery High<br>PE Teacher | March 31, 2017 |
| 7. Danny Johnson<br>Resignation | Central Office<br>PT Bus Driver | March 9, 2017 |
| 8. Kathy Munoz<br>Resignation | Green Ridge Elementary<br>P.T. Child Nutrition | March 21, 2017 |
| 9. Gail Rushing<br>Retirement | Star Elementary School<br>School Nurse | August 1, 2017 |
| 10. Teresa Caudill<br>Resignation | Troy Elementary School<br>School Nurse | June 8, 2017 |

c. Upon recommendation, approval of the following probationary contracts for the 2016-2017 school year as provided by General Statute 115C-325:

| **Employee/<br>Effective Date** | **School/<br>Assignment** | **Record<br>Check** |
|---|---|---|
| 1. Chelsea Anderson | Mt. Gilead Elem.<br>3rd Grade Teacher | Yes |
| 2. Johni Lilly | East Middle School<br>8th Grade Language Arts | Yes |

d. Upon recommendation, approval of the following interim contracts for the 2016-2017 school year as provided by General Statute 115C-325:

| **Employee/<br>Effective Date** | **School/<br>Assignment** | **Record<br>Check** | **Replacing** |
|---|---|---|---|
| 1. Sharon Sides | Mt. Gilead Elementary<br>Kindergarten Teacher | Yes | |
| 2. Ronald Sova<br>3/13/2017 | West Montgomery High<br>JROTC Instructor | Yes | James McCall |
| 3. Scott Tyson | West Middle School<br>8th Grade Science/Social Studies | Yes | John McKnight |

| | | | | |
|---|---|---|---|---|
| 4. | Danny Akins<br>4/24/2017 | West Montgomery High<br>PE/Health Teacher | Yes | James Johnson |
| 5. | Vance Hanner<br>4/3/2017 | West Montgomery High<br>PE Teacher | Yes | Nicolas Eddins |
| 6. | Jeanine Lantz | West Middle School<br>EC/Self Contained | Yes | |

e. Report of the following transfers:

| **Transfer/ Effective Date** | **From** | **To** | |
|---|---|---|---|
| 1. Grant Smith<br>3/06/2017 | West High<br>Digital Tech | West High<br>Data Manager | Natalie Eddins |
| 2. John Beard<br>3/17/2017 | MLA<br>Guidance Counselor | West High<br>Guidance Counselor | Kenneth Neal |

f. Upon recommendation of the superintendent, approval of recommendation for employment of the following bus drivers/monitors that are not dual employee:

| | | |
|---|---|---|
| Keona Leake | Monitor | Yes |

g. Upon recommendation, approval of the following administrative contracts:

**Assistant Principal**-Annual 11 month term commencing July 1, 2017 and ending June 30, 2021

- Laurie Brown, Green Ridge Elementary School

**Central Office Administration**-Annual 12 month term commencing July 1, 2017 and ending June 30, 2019

- Vance Thomas, Pre-K Coordinator
- Beth Lancaster, I3 Director

**Central Office Administration**-Annual 12 month term commencing July 1, 2017 and ending June 30, 2021

- Alisha Ellis, Director of Curriculum Support

**The following overnight field trips are requested:**

East Montgomery High School:
**Travel Tracker #1182** – Boys Basketball Camp - Salisbury, NC June 27-29, 2017

East Montgomery High School:
**Travel Tracker #1184** – Women's Basketball Camp – Guilford College, Greensboro, NC June 16-18, 2017

Upon recommendation, approval of release from Montgomery County Schools is requested for the 2017-2018 school year.

**Montgomery County to Moore County Schools**

**Montgomery County to Asheboro City Schools**

**Montgomery County to Salem Middle School**

Upon recommendation, approval of the following Montgomery County Schools students for early graduation is requested, *pending completion of courses*.

**West Montgomery High School**

3. Budget Amendment:

## Budget Amendment # 5

Montgomery County Administration Unit

The Montgomery County Board of Education at a meeting on the 3rd day of April 2017. passed the following resolution:

**Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2017.**

| Expense Code | Description of Code | Increase | Decrease |
|---|---|---|---|
| | **STATE FUNDS** | | |
| | **Revenues** | | |
| 1.3211.130 | Text Book Allotment | | |
| 1.3100.000. | State Funds | | $6,282.00 |
| 1.3100.000. | State Funds | $3,274.00 | |
| 1.3100.000 | State Funds | $63,106.00 | |
| | **Net Change in State Revenues** | **$60,098.00** | |
| | **Expenses** | | |
| 1.5110.001 | Teachers | | $6,282.00 |
| 1.5110.061 | Supplies | $51,337.34 | |
| 1.5110.130 | Text Books | | 51,337.34 |
| 1.5000.054 | ESL | | $345,000.00 |
| 1.5000.024 | Disadvantaged Student Funds | $124,239.99 | |
| 1.6000.024 | Disadvantaged Student Funds | $220,760.01 | |
| 1.5000.034 | Academically/Intelectually Gifted | | $130,000.00 |
| 1.6000.031 | Low-Wealth Funding | $130,000.00 | |
| 1.6000.056 | Transportation | $3,274.00 | |
| 1.6000.003 | Non-Instructional Support | $63,106.00 | |
| | **Net Change in State Expenses** | **$60,098.00** | |
| | **Net Change in State Budget** | **$60,098.00** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$26,651,579.52** |
| **Amount of Increase** | **$60,098.00** |
| **Total Appropriation in Current Amended Budget** | **$26,711,677.52** |

# Budget Amendment # 5

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **LOCAL FUNDS** | | | | |
| | | **Revenues** | | | | |
| | | | | | 0.00 | |
| | | | | | | |
| | | **Expenses** | | | | |
| 2.5000.005 | | School Building Administration | | | | 900.00 |
| 2.5000.061 | | Supplies | | | 900.00 | |
| | | **Net Change in Local Budget** | | | **$0.00** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$6,365,790.00** |
| **Amount of Increase** | **$0.00** |
| **Total Appropriation in Current Amended Budget** | **$6,365,790.00** |

# Budget Amendment # 5

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **FEDERAL FUNDS** | | | | |
| | | **Revenues** | | | | |
| 3.3600.109 | | Rural & Low Income Funds | | | | $3,071.00 |
| 3.3600.118 | | Special Needs Targeted Assistance | | | $2,000.00 | |
| 3.3600.060 | | Exceptional Children | | | $210,073.70 | |
| 3.3600.050 | | Title I | | | $38,700.49 | |
| 3.3600.049 | | Pre-School Handicapped | | | $445.05 | |
| 3.3600.103 | | Improving Teacher Quality | | | | $5,721.00 |
| | | | | | | |
| | | **Net Change in Federal Revenues** | | | **$242,427.24** | |
| | | | | | | |
| | | **Expenses** | | | | |
| 3.5000.109 | | Rural & Low Income Funds | | | | $2,984.13 |
| 3.8000.109 | | Rural & Low Income Funds | | | | $86.87 |
| 3.5000.118 | | IDEA Targeted Assistance | | | $1,943.42 | |
| 3.8000.118 | | IDEA Targeted Assistance | | | $56.58 | |
| 3.5000.060 | | Exceptional Children | | | $158,766.32 | |
| 3.8000.060 | | Exceptional Children | | | $51,307.38 | |
| 3.5000.050 | | Title I | | | $38,509.57 | |
| 3.8000.050 | | Title I | | | $190.92 | |
| 3.5000.049 | | Pre-School Handicapped | | | $445.04 | |
| 3.8000.049 | | Pre-School Handicapped | | | $0.01 | |
| 3.5000.103 | | Improving Teacher Quality | | | | $5,559.17 |
| 3.8000.103 | | Improving Teacher Quality | | | | $161.83 |
| | | | | | | |
| | | | | | | |
| | | **Net Change in Federal Expenses** | | | **$242,427.24** | |
| | | | | | | |
| | | ***Net Change in Federal Budget*** | | | **$242,427.24** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$3,393,272.82** |
| **Amount of Increase** | **$242,427.24** |
| **Total Appropriation in Current Amended Budget** | **$3,635,700.06** |

# Budget Amendment # 5

| Expense Code | Description of Code | Increase | Decrease |
|---|---|---|---|
| | **CAPITAL OUTLAY FUND** | | |
| | **Revenues** | | |
| 4.4000.120 | State Bus Fund | 691,429.00 | $0.00 |
| | Net Change in Capital Outlay Revenues | 691,429.00 | |
| | **Expenses** | | |
| 4.6550.120 | School Bus Lease payment | $691,429.00 | $0.00 |
| | Net Change in Capital Outlay Expenses | 691,429.00 | |
| | **Net Change in Capital Outlay Budget** | **$691,429.00** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$147,629.00** |
| **Amount of Increase** | **$691,429.00** |
| **Total Appropriation in Current Amended Budget** | **$839,058.00** |

| Expense Code | Description of Code | Increase | Decrease |
|---|---|---|---|
| | **CHILD NUTRITION FUND** | | |
| | **Revenues** | | |
| | | 0.00 | |
| | **Expenses** | | |
| | | 0.00 | |
| | **Net Change in Child Nutrition Budget** | **$0.00** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$3,347,660.00** |
| **Amount of Increase** | **$0.00** |
| **Total Appropriation in Current Amended Budget** | **$3,347,660.00** |

# Budget Amendment # 5

| Expense Code | Description of Code | Increase | Decrease |
|---|---|---|---|
| | **LOCAL FUND 8** | | |
| | **Revenues** | | |
| 8.4000.361 | JCPC Grant | 90.00 | |
| | | 0.00 | |
| | **Total Changes in Fund 8 Revenues** | **$90.00** | |
| | **Expenses** | | |
| 8.5000.361 | JCPC Grant | 90.00 | |
| | | 0.00 | |
| | **Total Change in Fund 8 Expenses** | **$90.00** | |
| | **Net Change in Local Fund 8 Budget** | **$90.00** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$2,840,440.37** |
| **Amount of Increase** | **$90.00** |
| **Total Appropriation in Current Amended Budget** | **$2,840,530.37** |

***Summary of Budget Changes***

| | |
|---|---|
| **Previous Budget** | **$42,528,585.80** |
| State Budget Change | $60,098.00 |
| Local Budget Change | $0.00 |
| Federal Budget Change | $242,427.24 |
| Capital Outlay Budget Change | $691,429.00 |
| Child Nutrition Budget Change | $0.00 |
| Fund 8 Budget Change | $90.00 |
| **Current Budget** | **$43,522,630.04** |

Passed by majority vote by the Board of Education of Montgomery County on the 3rd day of April 2017.

Chairman, Board of Education

Secretary, Board of Education

4. Green Ridge Tolling Agreement;
5. Beneficiary Resolution;
6. Modular Unit Sale.

After returning from closed session, Chairman DeBerry asked for a motion to adjourn the meeting. With a motion by Bryan Dozier and a second by Sandra Miller, the meeting was duly adjourned.

The next regular meeting will be held on Monday, May 1, 2017 at 6:30 pm.

_____ _____

Steven W. DeBerry, Chairman Dale Ellis, Ed. D., Secretary

441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (910) 576-6511 • FAX: (910) 576-2044

TO: Board of Education

FROM: Kevin Lancaster

DATE: May 1, 2017

SUBJ: Personnel/Auxiliary Services - Consent Agenda Items

Attached you will find the proposed Personnel/Auxiliary Services consent agenda items for your consideration.

These are action items and will require a vote.

**MONTGOMERY COUNTY SCHOOLS**
**PERSONNEL REPORT**
**R. Kevin Lancaster, Deputy Superintendent**
**May 1, 2017**

a. Upon the recommendation of the principal, approval of the following additions to the substitute teacher list:

| **Noncertified** | **Recommended By** | **Record Check** |
|---|---|---|
| 1) Graham Fox | Donnie Lynthacum | Yes |
| 2) Teresa Parsons | Della Ingram | Yes |
| **Certified** | | |
| 1) Chelsey Smith | Tim Addis | Yes |

b. Superintendent reports the acceptance of the following resignations/retirements:

| **Resignation/Retirement** | **School/Assignment** | **Effective Date** |
|---|---|---|
| 1) Donna Kennedy<br>Retirement | Green Ridge Elementary<br>Principal | 7/01/2017 |
| 2) Terry Jordan<br>Retirement | Central Office<br>Dir. of Child Nutrition | 7/01/2017 |
| 3) Myra Lamonds<br>Retirement | Green Ridge Elementary<br>2nd Grade Teacher | 7/01/2017 |
| 4) Vance Hanner<br>Resignation | West Montgomery High<br>Teacher/Football Coach | 4/07/2017 |
| 5) Kendall Bruton<br>Resignation | West Montgomery High<br>Dance Teacher | 6/19/2017 |
| 6) Adam Garner<br>Resignation | East Montgomery High<br>Agriculture Teacher | 6/30/2017 |

c. Upon recommendation of the superintendent, approval of recommendation for employment of the following non-certified personnel:

| Employee/ Effective Date | School/ Assignment | Record Check | Replacing |
|---|---|---|---|
| 1) Latisha Allen 4/10/2017 | Star Elementary School Custodian | Yes | Austin Allen |

d. Upon recommendation, approval of the following interim employees:

| Employee/ Effective Date | School/ Assignment | Record Check | Replacing |
|---|---|---|---|
| 1) Ellen Jones 4/10/2017 | Troy Elementary Interim Principal | Yes | Chris Jonassen |

e. Upon recommendation, approval of the following coaches:

**West Montgomery High School**

| | | |
|---|---|---|
| Danny Akins – Head Football Coach | Yes | Nick Eddins |

f. Upon recommendation, approval of the following administrative contract:

**Principal**-Annual 12 month term commencing April 10, 2017 and ending May 30, 2019

Chris Jonassen, West Middle School

**Principal**-Annual 12 month term commencing July 1, 2017 and ending June 30, 2019

Amy B. Reynolds, Montgomery Learning Academy

**Assistant Principal**-Annual 11 month term commencing July 1, 2017 and ending June 30, 2018

Reggie Jackson, West Middle School

g. Upon recommendation of the superintendent, approval of recommendation for non-renewal of Administrative contract:

John McMillan West Middle School

**MONTGOMERY COUNTY SCHOOLS**
**AUXILLARY REPORT**
**May 1, 2017**

**The following overnight field trips are requested:**

East Montgomery High School:
Travel Tracker #1227 – AFJROTC Cadet Officer Leadership School
Fayetteville, NC – 6/18/17 – 6/23/17

**Upon recommendation, approval of release from Montgomery County Schools requested for the 2017-2018 school year.**

Montgomery County to Moore County Schools

Montgomery County to Stanly County Schools

Montgomery County to Randolph County Schools

Montgomery County to Asheboro City Schools

Montgomery County to Western Vance High School

**MONTGOMERY COUNTY SCHOOLS**
**Auxiliary Services**
**May 1, 2017**

**Upon recommendation approval of the following summer work schedule is requested.**

Four ten-hour days, 7:00 a.m. to 5:00 p.m., Monday through Thursday with a 30-minute break beginning Monday June 12, 2017 and ending Friday August 21, 2017.

441 Page Street • P.O. Box 427
Troy, North Carolina 27371-0427
PHONE: (910) 576-6511 • FAX: (910) 576-2044

To: Board of Education

From: Mitch Taylor

Date: May 1, 2017

Subject: Agenda Item (Section – Consent Agenda)

Attached you will find one budget amendment for your consideration for the year ending June 30, 2017.

**Amendment #6 represents:**

**1) An increase of $150,614.15 to the State Budget**

**2) No change to the Local Fund Budget**

**3) An increase of $961.04 to the Federal Budget**

**4) An increase of $25,406 to the Capital Outlay Budget**

**5) No change to the Child Nutrition Fund**

**6) No change to the Local Fund 8 Budget**

**7) A total budget increase of $176,981.19**

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

This amendment is an action item and will require a vote.

# Budget Amendment # 6

## Montgomery County Administration Unit

The Montgomery County Board of Education at a meeting on the 1st day of May 2017. passed the following resolution:

**Be it resolved that the following amendments be made to the Budget Resolution for the fiscal year ending June 30, 2017.**

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **STATE FUNDS** | | | | |
| | | **Revenues** | | | | |
| 1.3211.130 | | Text Book Allotment | | | | |
| 1.3100.000 | | State Funds | | | $16,000.00 | |
| 1.3100.000 | | State Funds | | | | $59.85 |
| 1.3100.000 | | State Funds | | | $33.00 | |
| 1.3100.000 | | State Funds | | | 1,725.00 | |
| 1.3100.000 | | State Funds | | | 5,138.00 | |
| 1.3100.000 | | State Funds | | | 700.00 | |
| 1.3100.000 | | State Funds | | | 4,306.00 | |
| 1.3100.000 | | State Funds | | | 122,770.00 | |
| | | **Net Change in State Revenues** | | | **$150,612.15** | |
| | | | | | | |
| | | **Expenses** | | | | |
| 1.5120.013 | | CTE - Employment | | | | $32,366.00 |
| 1.5120.014 | | CTE - Programs | | | $32,366.00 | |
| 1.5110.130 | | Text Books | | | | 45,000.00 |
| 1.5000.061 | | Supplies | | | $45,000.00 | |
| 1.5000.046 | | Teacher Bonus - 3rd grade | | | $0.00 | $59.85 |
| 1.5000.015 | | Technology | | | $33.00 | |
| 1.5000.003 | | Non-Instructional Support | | | $1,725.00 | |
| 1.5000.016 | | Summer Reading | | | $96,933.00 | |
| 1.6000.016 | | Summer Reading | | | $25,837.00 | |
| 1.6000.056 | | Transportation | | | $5,138.00 | |
| 1.6000.056 | | Transportation | | | $16,000.00 | |
| 1.5000.003 | | Non-Instructional Support | | | $700.00 | |
| 1.5000.046 | | Teacher Bonus - 3rd grade | | | $4,308.00 | |
| | | | | | | |

| | | | | | | |
|---|---|---|---|---|---|---|
| | | **Net Change in State Expenses** | | | **$150,614.15** | |
| | | | | | | |
| | | **Net Change in State Budget** | | | **$150,614.15** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$26,711,677.52** |
| **Amount of Increase** | **$150,614.15** |
| **Total Appropriation in Current Amended Budget** | **$26,862,291.67** |

# Budget Amendment # 6

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **LOCAL FUNDS** | | | | |
| | | **Revenues** | | | | |
| | | | | | | |
| | | | | | | |
| | | **Expenses** | | | | |
| 2.5000.005 | | School Building Administration | | | | |
| 2.5000.061 | | Supplies | | | | |
| | | **Net Change in Local Budget** | | | **$0.00** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$6,365,790.00** |
| **Amount of Increase** | **$0.00** |
| **Total Appropriation in Current Amended Budget** | **$6,365,790.00** |

# Budget Amendment # 6

| Expense Code | | Description of Code | | Increase | Decrease |
|---|---|---|---|---|---|
| | | **FEDERAL FUNDS** | | | |
| | | **Revenues** | | | |
| 3.3600.104 | | Title III - Language Acquisition | | $961.04 | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | **Net Change in Federal Revenues** | | **$961.04** | |
| | | | | | |
| | | **Expenses** | | | |
| 3.5000.104 | | Title III - Language Acquisition | | $1,761.04 | |
| 3.8000.104 | | Title III - Language Acquisition | | | $800.00 |
| | | | | | |
| | | | | | |
| | | **Net Change in Federal Expenses** | | **$961.04** | |
| | | | | | |
| | | ***Net Change in Federal Budget*** | | **$961.04** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

| | |
|---|---|
| **Total Appropriation in Current Budget** | **$3,635,700.06** |
| **Amount of Increase** | **$961.04** |
| **Total Appropriation in Current Amended Budget** | **$3,636,661.10** |

# Budget Amendment # 6

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **CAPITAL OUTLAY FUND** | | | | |
| | | **Revenues** | | | | |
| | | | | | | |
| 4.4000.120 | | State Bus Fund | | | | $0.00 |
| 4.4910.600 | | Capital Fund Balance | | | 25,406.00 | |
| | | Net Change in Capital Outlay Revenues | | | 25,406.00 | |
| | | **Expenses** | | | | |
| | | | | | | |
| 4.6550.120 | | School Bus Lease payment | | | | $0.00 |
| 4.9000.600 | | EMS Foundation Repairs | | | $25,406.00 | |
| | | Net Change in Capital Outlay Expenses | | | 25,406.00 | |
| | | | | | | |
| | | **Net Change in Capital Outlay Budget** | | | **$25,406.00** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

**Total Appropriation in Current Budget** **$839,058.00**

**Amount of Increase** **$25,406.00**

**Total Appropriation in Current Amended Budget** **$864,464.00**

| Expense Code | | Description of Code | | | Increase | Decrease |
|---|---|---|---|---|---|---|
| | | **CHILD NUTRITION FUND** | | | | |
| | | **Revenues** | | | | |
| | | | | | 0.00 | |
| | | | | | | |
| | | **Expenses** | | | | |
| | | | | | 0.00 | |
| | | | | | | |
| | | **Net Change in Child Nutrition Budget** | | | **$0.00** | |

Explanation: **Adjustments made for actual revenues and expenditures.**

**Total Appropriation in Current Budget** **$3,347,660.00**

**Amount of Increase** **$0.00**

**Total Appropriation in Current Amended Budget** **$3,347,660.00**

# Budget Amendment # 6

| Expense Code | Description of Code | Increase | Decrease |
|---|---|---|---|
| | **LOCAL FUND 8** | | |
| | **Revenues** | | |
| 8.4000.361 | JCPC Grant | 0.00 | |
| | | 0.00 | |
| | | | |
| | | | |
| | **Total Changes in Fund 8 Revenues** | **$0.00** | |
| | | | |
| | **Expenses** | | |
| 8.5000.361 | JCPC Grant | 0.00 | |
| | | 0.00 | |
| | | | |
| | | | |
| | **Total Change in Fund 8 Expenses** | **$0.00** | |
| | | | |
| | **Net Change in Local Fund 8 Budget** | **$0.00** | |

**Explanation: Adjustments made for actual revenues and expenditures.**

**Total Appropriation in Current Budget** **$2,840,440.37**

**Amount of Increase** **$0.00**

**Total Appropriation in Current Amended Budget** **$2,840,440.37**

***Summary of Budget Changes***

| | |
|---|---|
| **Previous Budget** | **$43,740,415.95** |
| State Budget Change | $150,614.15 |
| Local Budget Change | $0.00 |
| Federal Budget Change | $961.04 |
| Capital Outlay Budget Change | $25,406.00 |
| Child Nutrition Budget Change | $0.00 |
| Fund 8 Budget Change | $0.00 |
| **Current Budget** | **$43,917,397.14** |

Passed by majority vote by the Board of Education of Montgomery County on the 1st day of May 2017.

Chairman, Board of Education

Secretary, Board of Education

LEASE

by and between

MONTGOMERY COUNTY, NORTH CAROLINA

AS LESSOR

and

THE MONTGOMERY COUNTY BOARD OF EDUCATION

AS LESSEE

Dated as of _____, 20__

After recording, please return to:

Russell Hollers, Esq.
County Attorney
County of Montgomery, North Carolina
Post Office Box 567
Troy, North Carolina 27371

This document was prepared by:

Paul Jacobson, Esq.
Sands Anderson PC
4101 Lake Boone Trail, Suite 100
Raleigh, North Carolina 27607

# LEASE

**THIS LEASE**, dated as of _____, 20__, by and between the **COUNTY OF MONTGOMERY, NORTH CAROLINA**, a political subdivision of the State of North Carolina, as lessor **(the "County")**, and **THE MONTGOMERY COUNTY BOARD OF EDUCATION**, a body corporate which has general control and supervision of all matters pertaining to the public schools in the Montgomery County Schools System, its school administrative unit, and is duly organized and existing under the laws of the State of North Carolina **(the "Board of Education")**,

**W I T N E S S E T H:**

WHEREAS, the County and the Board of Education have determined to cooperate in a plan to finance a portion of the cost of a project which each has found to be necessary and desirable to provide for improved public school facilities and improved public education in the County; and

WHEREAS, such project **(the "School Project")** consists of the design, acquisition, construction and equipping of a new high school, such new school to provide classrooms and related facilities and to be located on a site near Montgomery County Community College **(the "Community College")** as more particularly described in Exhibit A to the Interim Financing Agreement and Exhibit A to the Installment Purchase Contracts (each as defined herein); and

WHEREAS, as a part of such plan, the Board of Education has executed a Fee Simple Warranty Deed conveying the site of the School Project as more particularly described in Exhibit A hereto **(the "School Project Site")** and the improvements thereon to the County; and

WHEREAS, as a part of such plan and in order to provide interim financing for the School Project, the County has entered into an Installment Financing Agreement between the County and the Montgomery County Public Facilities Corporation **(the "Corporation")**, dated as of _____, 20__ **(the "Installment Financing Agreement")** and a First Supplemental Installment Financing Agreement between the County and the Corporation dated as of _____, 20__ **(the "First Supplemental Installment Financing Agreement") (together, the Installment Financing Agreement and First Supplemental Installment Financing Agreement as the may be supplemented and amended from time to time are referred to herein as the "Interim Financing Agreement")** providing for the interim financing of a portion of the cost of the School Project including financing certain costs of the construction and other accomplishment of the School Project, secured by a deed of trust against the School Project property **(the "Initial Deed of Trust")**; and

WHEREAS, as a part of such plan and in order to provide long-term financing for the School Project, the County expects to enter into installment/purchase contracts **(the "Installment Purchase Contracts")** with and a deed of trust securing amounts due under such Installment Purchase Contracts **(the "Long-Term Deed of Trust, and together with the Initial Deed of Trust the "Deed of Trust")** in favor of the United States of America, acting by and through the United States Department of Agriculture **(the "USDA")** or other lender to provide long-term financing of the School Project; and

WHEREAS, as a part of such plan, the County and the Board of Education have entered into a Cooperative Agreement Regarding School Design, Acquisition and Construction, dated as of January 17, 2017, providing, among other matters, for the construction and other accomplishment of the School Project **(the "Administrative Agreement")**; and

WHEREAS, as a part of such plan, the County proposes to lease the School Project Site and the improvements thereon **(collectively the "Leased Property")** to the Board of Education and the Board of Education has determined to lease the Leased Property from the County;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants herein contained, the parties hereto agree as follows:

## ARTICLE I

## DEFINITIONS; RULE OF CONSTRUCTION

All capitalized terms used in this Lease and not otherwise defined herein shall have the meanings assigned to them in the Interim Financing Agreement, unless the context clearly requires otherwise. In addition, the following terms will have the meanings specified below, unless the context clearly requires otherwise:

"Board of Education Representative" means any person at the time designated, by a written certificate furnished to the County and signed on the Board of Education's behalf by its Chairman, to act on the Board of Education's behalf for the purpose of performing any act under this Lease.

"Closing Date" means the date on which the Interim Financing Agreement takes effect.

"County Representative" means any person at the time designated, by a written certificate furnished to the Board of Education and signed on the County's behalf by the Chairman of its Board of Commissioners, to act on the County's behalf for the purpose of performing any act under this Lease.

"Event of Default" means one or more events of default as defined in **Section 11.1** hereof.

"Independent Counsel" means an attorney duly admitted to the practice of law in the state of North Carolina and who is not an employee of the County or the Board of Education.

"Lease" means this Lease, as it may be duly amended.

"Lease Term" means the term of this Lease as determined pursuant to Article III.

"Lease Year" means, initially, from the Closing Date through December 31, 2018, and, thereafter, means the twelve-month period of each year commencing on January 1 and ending on the next December 31.

"Leased Property" means the School Project Site and the improvements thereon.

All references to articles or sections are references to articles or sections of this Lease, unless the context clearly indicates otherwise.

## ARTICLE II

## REPRESENTATIONS, COVENANTS AND WARRANTIES

The County and the Board of Education each represent, covenant and warrant for the other's benefit as follows:

2.1 Neither the execution and delivery of this Lease, nor the fulfillment of or compliance with its terms and conditions, nor the consummation of the transactions contemplated hereby, results or will result in a breach of the terms, conditions and provisions of any agreement or instrument to which either is now a party or by which either is bound, or constitutes a default under any of the foregoing.

2.2 To the knowledge of each party, there is no litigation or proceeding pending or threatened against such party (or against any other person) affecting the rights of such party to execute or deliver this Lease or to comply with its obligations under this Lease. Neither the execution and delivery of this Lease by such party, nor compliance by such party with its obligations under this Lease, requires the approval of any regulatory body or any other entity the approval of which has not been obtained.

## DEMISING CLAUSE

The County hereby leases the Leased Property to the Board of Education and the Board of Education hereby leases the Leased Property from the County, in accordance with the provisions of this Lease, to have and to hold for the Lease Term.

## ARTICLE III

## LEASE TERM

3.1 Commencement. The Lease Term shall commence on the Closing Date.

3.2 Termination. The Lease Term shall terminate, subject to prior termination as hereinafter provided, at the earlier of (a) _____, 20__ (provided that all obligations under the Interim Financing Agreement, the Master Trust Agreement (as defined in the Interim Financing Agreement) and the Installment Purchase Contracts have been paid on such date), (b) upon payment in full of all obligations under the Interim Financing Agreement, the Master Trust Agreement and the Installment Purchase Contracts or (c) an Event of Default and termination by the County pursuant to Article XI.

Termination of the Lease Term shall terminate the County's obligations under this Lease and the Board of Education's rights of possession under this Lease.

## ARTICLE IV

## QUIET ENJOYMENT; PURCHASE OPTION

4.1 Quiet Enjoyment. The County hereby covenants that the Board of Education shall, during the Lease Term, peaceably and quietly have and hold and enjoy the Leased Property without suit, trouble or hindrance from the County, except as required or permitted by this Lease. The County shall, at the Board of Education's request and the County's cost, join and cooperate fully in any legal action in which the Board of Education asserts its right to such possession and enjoyment, or which involves the imposition of any taxes or other governmental charges on or in connection with the Leased Property. In addition, the Board of Education may at its own expense join in any legal action affecting its possession and enjoyment of the Leased Property, and shall be joined (to the extent legally possible, and at the Board of Education's expense) in any action affecting its liabilities hereunder.

The provisions of this Article shall be subject to rights to inspect the Leased Property granted to parties under the Interim Financing Agreement, the Master Trust Agreement, the Installment Purchase Contracts and the Deed of Trust and to the right hereby reserved to the County to inspect the Leased Property at any reasonable time.

4.2 Purchase Option. The Board of Education shall have the option (a) to purchase the Leased Property, in part, from time to time, to the extent that it constitutes Mortgaged Property released from the lien and security interest of the Deed of Trust, upon payment to the County of a purchase option price of $100 and (b) to purchase the remainder or all of the Leased Property at the end of the Lease Term pursuant to **Section 3.2** hereof upon payment to the County of a purchase option price of $100. The Board of Education shall notify the County of its exercising of this option after any such partial release of the Mortgaged Property or after the end of the Lease Term, as may be applicable, and within forty-five (45) days after such notification the County shall execute and deliver to the Board of Education a quit-claim deed with a covenant against grantor's acts together with such other documents as are necessary to convey to the Board of Education good and marketable title to the respective Leased Property, subject only to (a) Permitted Encumbrances and (b) any encumbrance or imperfection caused by or attributable to the Board of Education.

## ARTICLE V

## CONSIDERATION FOR LEASE

5.1 Use of Leased Property; Assumption of Obligations. In partial consideration for its acquisition of rights to use the Leased Property during the Lease Term and its option to purchase the Leased Property, the Board of Education hereby agrees to use the Leased Property for public school or other public education purposes in fulfillment of its obligation, shared by the County, to provide for improved public education in the County. In addition, in consideration of its rights under this Lease, the Board of Education undertakes the obligations imposed on it hereunder, including those imposed by **Section 7.1** hereof.

5.2 Payments. In partial consideration for its acquisition of rights to use the Leased Property during the Lease Term and its option to purchase the Leased Property, the Board of

Education hereby agrees to pay to the County annual rent in the amount of $100 payable in advance on the Closing Date (receipt of which is hereby acknowledged) and on the first day of each Lease Year thereafter.

## ARTICLE VI

## CONSTRUCTION AND OTHER ACCOMPLISHMENT OF SCHOOL PROJECT AND CERTAIN RELATED COVENANTS

6.1 Construction and Other Accomplishment of School Project. The County and the Board of Education have provided in the Administrative Agreement for the construction and other accomplishment of the School Project. The Board of Education represents that it has reviewed all provisions concerning the construction and other accomplishment of the School Project in the Interim Financing Agreement and the Installment Purchase Contracts and hereby approves such provisions. The Board of Education shall take possession of the School Project upon completion thereof.

Title to the Leased Property shall be held by the County, subject only to Permitted Encumbrances.

6.2 Maintenance, Repair, Taxes and Assessments.

(a) Maintenance; Repair. The Board of Education shall use, or cause to be used, the Leased Property in a careful and proper manner, in compliance with all applicable laws and regulations and the requirements of the Interim Financing Agreement, the Installment Purchase Contracts and the Deed of Trust, and, at its sole expense, shall service, repair, maintain and insure, or cause to be serviced, repaired, maintained and insured, the Leased Property so as to keep the Leased Property in good condition, repair, appearance and working order for the purposes intended in accordance with the requirements of the Interim Financing Agreement, the Installment Purchase Contracts and the Deed of Trust, ordinary wear and tear excepted.

(b) Taxes and Assessments. The Board of Education shall also pay, or cause to be paid, all taxes and assessments, including, but not limited to, utility charges, of any type or nature levied, assessed or charged against any portion of the Leased Property, provided that with respect to special assessments or other governmental charges that may lawfully be paid in installments over a period of years, the Board of Education shall be obligated to pay only such installments as are required to be paid as and when the same become due.

(c) Contests. The Board of Education may, at its sole expense and in its name, in good faith contest any such taxes, assessments, utility and other charges and, in the event of any such contest, may permit the taxes, assessments or other charges so contested to remain unpaid during the period of such contest and any appeal therefrom; provided that prior to such nonpayment it shall furnish the County with the opinion of an Independent Counsel, to the effect that, by nonpayment of any such items, the interest of the County in the Leased Property will not be materially endangered and that the Leased Property will not be subject to loss or forfeiture. The County will cooperate fully in such contest upon the request and at the expense of the Board of Education.

6.3 Modification of Leased Property, Liens.

(a) Additions, Modifications and Improvements. The Board of Education shall, at its own expense, have the right to make, or cause to be made, additions, modifications and improvements to any portion of the Leased Property if such additions, modifications or improvements are necessary or beneficial for the use of such portion of the Leased Property. All such additions, modifications and improvements shall thereafter comprise part of the Leased Property and be subject to the provisions of this Lease. Such additions, modifications and improvements shall not in any way damage any portion of the Leased Property or cause it to be used for purposes other than those authorized under the provisions of State and federal law or in any way which would cause the interest components of the Installment Payments to be includable in gross income for purposes of federal income taxation under Section 103 of the Internal Revenue Code of 1986, as amended.

(b) Liens. The Board of Education will not permit any mechanic's or other lien to be established or remain against the Leased Property for labor or materials furnished in connection with any additions, modifications or improvements made by the Board of Education pursuant to this **Section 6.3**; provided that, if any such lien is filed or established and the Board of Education shall first notify, or cause to be notified, the County of the Board of Education's intention to do so, the Board of Education may in good faith contest any lien filed or established against the Leased Property and in such event may permit the items so contested to remain undischarged and unsatisfied during the period of such contest and any appeal therefrom and shall provide the County with full security against any loss or forfeiture which might arise from the nonpayment of any such item, in form satisfactory to the County. The County will cooperate fully in any such contest upon the request and at the expense of the Board of Education.

Except as provided in this Article and except as the County may consent thereto, which consent shall not be unreasonably withheld, the Board of Education shall not, directly or indirectly, create, incur, assume or suffer to exist any mortgage, pledge, lien, charge, encumbrance or claim on or with respect to the Leased Property, other than the respective rights of the Board of Education and the County as herein provided. Except as provided in this Article, the Board of Education shall promptly, at its own expense, take such action as may be necessary to duly discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim for which it is responsible, if the same shall arise at any time; provided that the Board of Education may contest such liens, charges, encumbrances, or claims if it desires to do so. The Board of Education shall reimburse the County for any expense incurred by the County in order to discharge or remove any such mortgage, pledge, lien, charge, encumbrance or claim.

## ARTICLE VII

## BOARD OF EDUCATION'S ASSUMPTION OF COUNTY'S OBLIGATIONS

7.1 Assumption of Obligations. The Board of Education hereby assumes all the County's obligations under the Interim Financing Agreement, the Installment Purchase Contracts and the Deed of Trust regarding the maintenance of insurance with respect to the Leased Property. It is expressly understood that the Board of Education shall not assume the County's obligation under the Interim Financing Agreement, the Installment Purchase Contracts and the

Deed of Trust to pay the Installment Payments (as defined in the Interim Financing Agreement, the Installment Purchase Contracts) and that the Board of Education shall not indemnify the County or any other party to the Interim Financing Agreement and the Installment Purchase Contracts for third-party claims asserted against any party to the Interim Financing Agreement and the Installment Purchase Contracts relating to the payment of such Installment Payments.

7.2 Transfer of Rights. In order to allow the Board of Education to carry out the County's obligations under the Interim Financing Agreement and the Installment Purchase Contracts to be assumed by the Board of Education, the County hereby transfers its rights under the Interim Financing Agreement and the Installment Purchase Contracts regarding such obligations to the Board of Education. Nothing in this **Section 7.2,** however, shall be construed as in any way delegating to the Board of Education any of the County's rights or responsibilities to make decisions regarding the Board of Education's capital and operating budgets or otherwise covenanting that funds for such purposes will be appropriated or available.

7.3 Board of Education's General Covenant. The Board of Education further undertakes not to take or omit to take any action the taking or omission of which would cause the County to be in default in any manner under the Interim Financing Agreement or the Installment Purchase Contracts. In particular, the Board of Education covenants that it will not use or permit the use of the Leased Property in any manner that the Board of Education is advised by the County might result in the obligations of the County under the Interim Financing Agreement or the Installment Purchase Contracts to be a "private activity bond" within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended, to the extent that such requirements thereof are, at the time, applicable and in effect, or that would otherwise cause the interest with respect to Installment Payments under the Interim Financing Agreement or the Installment Purchase Contracts to be included in the gross income of the owners or holders of such payment obligations for federal income tax purposes. If the Board of Education shall take or omit to take any such action, then the Board of Education shall proceed with all due diligence to take such action as may be necessary to cure such default.

7.4 County's Cooperation. The County shall cooperate fully with the Board of Education in filing any proof of loss or taking any other action under this Lease. In no event shall the County or the Board of Education voluntarily settle, or consent to the settlement of, any proceeding arising out of any insurance claim with respect to the Leased Property without the other's written consent.

7.5 Advances; Performance of Obligations. If the Board of Education shall fail to pay any amount required to be paid by it under this Lease, or fails to take any other action required of it under this Lease, then the County may (but shall be under no obligation to) pay such amount or perform such other obligation. The Board of Education agrees to reimburse the County for any such payment or for its costs incurred in connection with performing such other obligation.

## ARTICLE VIII

## DISCLAIMER OF WARRANTIES; OTHER COVENANTS

8.1 Disclaimer of Warranties. THE COUNTY MAKES NO WARRANTY OR REPRESENTATION, EITHER EXPRESS OR IMPLIED, AS TO THE VALUE, DESIGN, CONDITION, MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR FITNESS FOR A PARTICULAR USE OF THE LEASED PROPERTY OR ANY PART THEREOF OR ANY OTHER REPRESENTATION OR WARRANTY WITH RESPECT TO THE LEASED PROPERTY OR ANY PART THEREOF. In no event shall the County be liable for any direct or indirect, incidental, special or consequential damage in connection with or arising out of this Lease or the existence, furnishing, functioning or use by anyone of any item, product or service provided for herein.

8.2 Further Assurances; Corrective Instruments. The Board of Education and the County agree that they will, from time to time, execute, acknowledge and deliver, or cause to be executed, acknowledged and delivered, such supplements hereto and such further instruments as may reasonably be required for correcting any inadequate or incorrect description of the Leased Property hereby leased or intended so to be, or for otherwise carrying out the intention hereof.

8.3 Hazardous Materials. The Board of Education, its successors and assigns represents, warrants and agrees that (a) the Leased Property shall not be used to generate, manufacture, transport, treat, store, handle, dispose of, or process hazardous materials except in accordance with all applicable environmental laws and as permitted by the Interim Financing Agreement, the Installment Purchase Contracts and the Deed of Trust; (b) the Board of Education shall not cause or permit the improper installation of hazardous materials on the Leased Property or a release of hazardous materials on the Leased Property; (c) the Board of Education shall at all times comply with and ensure compliance by all other parties with all applicable environmental laws relating to or affecting the Leased Property and shall keep the Leased Property free and clear of any liens imposed pursuant to any applicable environmental laws; (d) the Board of Education will at all times obtain and/or maintain all licenses, permits, and/or other governmental or regulatory actions necessary to comply with environmental laws with respect to the Leased Property **(the "Permits")**, and the Board of Education will comply with the terms and provisions of the Permits; (e) the Board of Education shall immediately give the County oral and written notice in the event that the Board of Education receives any notice from any governmental agency, entity, or any other party with regard to hazardous materials on, from or affecting the Leased Property and shall conduct and complete all investigations, sampling, and testing, and all remedial, removal, and other actions necessary to clean up and remove all hazardous materials on, from or affecting the Leased Property in accordance with all applicable environmental laws. To the extent permitted by law, the Board of Education hereby agrees to indemnify the County and hold it harmless from and against any and all losses, liabilities, damages, injuries (including, without limitation, reasonable attorneys' fees) and claims of any and every kind whatsoever paid, incurred or suffered by, or asserted against the County for, with respect to, or as a direct or indirect result of (a) the presence on, or under, or the escape, spillage, emission or release from the Leased Property of any hazardous material regardless of whether or not caused by or within the control of the Board of Education, (b) the violation of any environmental laws relating to or affecting the Leased Property, whether or not

caused by or within the control of the Board of Education, (c) the failure by the Board of Education to comply fully with the terms and provisions of this paragraph, or (d) any warranty or representation made by the Board of Education in this paragraph being false or untrue in any material respect; provided, however, that the Board of Education shall not be obligated to indemnify the County for any liability arising from any act of negligence or willful misconduct on the part of the County or any of its agents, officers or employees.

As between the Board of Education and the County, the covenant of the Board of Education in this section, to the extent permitted by law, is unconditional and absolute. As between the Board of Education and any third-party, the Board of Education, to the extent permitted by law, hereby reserves the right and defense of sovereign immunity.

8.4 Board of Education and County Representatives. Whenever under the provisions hereof the approval of the Board of Education or the County is required to take some action at the request of the other, unless otherwise provided, such approval or such request shall be given for the Board of Education by the Board of Education Representative and for the County by the County Representative, and the Board of Education and the County shall be authorized to act on any such approval or request of such representative of the other.

8.5 Compliance with Requirements. During the Lease Term, the Board of Education and the County shall observe and comply promptly with all current and future orders of all courts having jurisdiction over the Leased Property or any portion thereof (or be diligently and in good faith contesting such orders), and all current and future requirements of all insurance companies' written policies covering the Leased Property or any portion thereof.

## ARTICLE IX

## TITLE TO LEASED PROPERTY; LIMITATIONS ON ENCUMBRANCES

9.1 Title to Leased Property. Except for personal property purchased by the Board of Education at its own expense, title to the Leased Property and any and all additions and modifications to or replacements of any portion of the Leased Property shall be held in the County's name, subject only to Permitted Encumbrances, until conveyed as provided in this Lease, notwithstanding (a) the occurrence of one or more events of default under the Interim Financing Agreement or the Installment Purchase Contracts; (b) the occurrence of any event of damage, destruction, condemnation or construction or title defect; or (c) the violation by the County of any provision of this Lease.

The Board of Education shall have no right, title or interest in the Leased Property or any additions and modifications to or replacements of any portion of the Leased Property, except as expressly set forth in this Lease.

## ARTICLE X

## SUBLEASING AND INDEMNIFICATION

10.1 Board of Education's Subleasing. The Board of Education may not assign or sublease the Leased Property, in whole or in part, without the prior written consent of the Trustee

(as defined in the Master Trust Agreement), the USDA and the County, as applicable, which consent shall not be unreasonably withheld, provided that such consent shall not be required with respect to the Board of Education making the Leased Property available for community use in accordance with the laws of the State of North Carolina.

10.2 Indemnification. Except as provided in **Section 7.1** hereof, to the extent permitted by law, the Board of Education shall and hereby agrees to indemnify and save the County harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from the operation or management of the Leased Property by the Board of Education during the Lease Term, including any claims arising from: (a) any condition of the Leased Property, (b) any act of negligence of the Board of Education or of any of its agents, contractors or employees or any violation of law by the Board of Education or breach of any covenant or warranty by the Board of Education hereunder; or (c) the incurrence of any cost or expense in connection with the construction and other accomplishment of the School Project in excess of the moneys available therefor in the School Project Fund. The Board of Education shall be notified promptly by the County of any action or proceeding brought in connection with any claims arising out of circumstances described in (a), (b) or (c) above.

## ARTICLE XI

## EVENTS OF DEFAULT

11.1 Events of Default. Each of the following shall be an "Event of Default" under this Lease and the term "Default" shall mean, whenever it is used in this Lease, any one or more of the following events:

(a) The Board of Education's failure to make any payments hereunder when due.

(b) The Board of Education's failure to observe and perform any covenant, condition or agreement on its part to be observed or performed for a period of thirty (30) days after written notice specifying such failure and requesting that it be remedied shall have been given to the Board of Education by the County, unless the County shall agree in writing to an extension of such time prior to its expiration; provided, however, that if the failure stated in such notice cannot be corrected within the applicable period, the County shall not unreasonably withhold its consent to an extension of such time if corrective action is instituted by the Board of Education within the applicable period and diligently pursued until such failure is corrected and, further, that if by reason of any event or occurrence constituting force majeure the Board of Education is unable in whole or in part to carry out any of its agreements contained herein (other than its obligations contained in **Section 5.2** or **7.1** hereof), the Board of Education shall not be deemed in default during the continuance of such event or occurrence.

(c) The dissolution or liquidation of the Board of Education or the voluntary initiation by the Board of Education of any proceeding under any federal or state law relating to bankruptcy, insolvency, arrangement, reorganization, readjustment of debt or any other form of debtor relief, or the initiation against the Board of Education of any such proceeding which shall remain undismissed for sixty (60) days, or the entry by the Board of Education into an agreement

of composition with creditors or the Board of Education's failure generally to pay its debts as they become due.

11.2 Remedies on Default. Whenever any Event of Default shall have happened and be continuing, the County may take one or any combination of the following remedial steps:

(a) Terminate this Lease, evict the Board of Education from the Leased Property or any portion thereof and re-lease the Leased Property or any portion thereof.

(b) Have reasonable access to and inspect, examine and make copies of the Board of Education's books and records and accounts during the Board of Education's regular business hours, if reasonably necessary in the County's opinion.

(c) Take whatever action at law or in equity may appear necessary or desirable, including the appointment of a receiver, to collect the amounts then due, or to enforce performance and observance of any obligation, agreement or covenant of the Board of Education under this Lease.

Any amount collected pursuant to action taken under this Section shall be applied as the County may determine.

11.3 No Remedy Exclusive. No remedy herein conferred upon or reserved to the County is intended to be exclusive, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder and every remedy now or hereafter existing at law or in equity. No delay or omission to exercise any right or power accruing upon any default shall impair any such right or power, and any such right and power may be exercised from time to time as may be deemed expedient. In order to entitle the County to exercise any remedy reserved in this **Article XI**, it shall not be necessary to give any notice, other than such notice as may be required in this **Article XI**.

11.4 Waivers. If any agreement contained herein should be breached by either party and thereafter waived by the other party, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach hereunder.

11.5 Waiver of Appraisement, Valuation, Stay, Extension and Redemption Laws. The Board of Education and County agree, to the extent permitted by law, that in the case of a termination of the Lease Term by reason of an Event of Default, neither the Board of Education nor the County nor any one claiming through or under either of them shall or will set up, claim or seek to take advantage of any appraisement, valuation, stay, extension or redemption laws now or hereafter in force in order to prevent or hinder the enforcement of any remedy provided hereunder; and the Board of Education and the County, for themselves and all who may at any time claim through or under either of them, each hereby waives, to the full extent that it may lawfully do so, the benefit of such laws.

11.6 Subordination. This Lease shall be subordinate to all or any portion of the Deed of Trust, and the parties shall execute and record all instruments necessary to agree to and demonstrate that this Lease is subordinate to all or any portion of the Deed of Trust.

## ARTICLE XII

## MISCELLANEOUS

12.1 Notices. All notices, certificates or other communications hereunder shall be sufficiently given if given by United States mail in certified form, postage prepaid, and shall be deemed to have been received five (5) Business Days (as defined in the Master Trust Agreement) after deposit in the United States mail in certified form, postage prepaid, as follows:

(a) If intended for the County, addressed to it at the following address:

County of Montgomery, North Carolina
P.O. Box 425
Troy, NC 27371
Attention: County Manager
Phone: (910) 576-4221
Fax: (910) 576-4566

(b) If intended for the Board of Education, addressed to it at the following address:

The Montgomery County Board of Education
Montgomery County Schools Administrative Office
P.O. Box 427
Troy, NC 27371
Attention: Superintendent
Phone: (910) 576-6511
Fax: (910) 576-2044

12.2 Binding Effect. This Lease shall be binding upon and inure to the benefit of the Board of Education and the County, subject, however, to the limitations contained in Article X.

12.3 Net Lease. This Lease shall be deemed and construed to be a "net lease," and the Board of Education shall pay absolutely net during the Lease Term all other payments required hereunder, free of any deductions, and without abatement or setoff.

12.4 Payments Due on Holidays. If the date for making any payment or the last day for performance of any act or the exercising of any right, as provided in this Lease, shall not be a Business Day, such payment may be made or act performed or right exercised on the next preceding day that is a Business Day with the same force and effect as if done on the nominal date provided in this Lease.

12.5 Severability. In the event that any provision of this Lease, other than the requirement of the County to provide quiet enjoyment of the Leased Property, shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

12.6 Execution in Counterparts. This Lease may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

12.7 Applicable Law. This Lease shall be governed by and construed in accordance with the laws of the State of North Carolina.

12.8 Captions. The captions or headings herein are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Lease.

12.9 Memorandum of Lease. At the request of either party, the County and the Board of Education shall, on or before the Closing Date, execute a memorandum of this Lease legally sufficient to comply with the relevant provisions of the North Carolina General Statutes.

[The remainder of this page has been left blank intentionally.]

IN WITNESS WHEREOF, the parties hereto have caused this Lease to be executed in their corporate names by their duly authorized officers, all as of the day and year first above written.

**MONTGOMERY COUNTY, NORTH CAROLINA**

By: _____
Chairman of the Board of Commissioners

[SEAL]
Attest:

_____
Clerk to the Board
of Commissioners

Approved as to Form:

_____
County Attorney

**THE MONTGOMERY COUNTY BOARD OF EDUCATION**

[SEAL]

By: _____
Chairman

Attest:

_____
Secretary

**STATE OF NORTH CAROLINA )**
**)**
**COUNTY OF MONTGOMERY )**

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Clerk to the Board of Commissioners for Montgomery County, North Carolina and that by authority duly given and as the act of said County, the foregoing instrument was signed in its name by the Chair of said Board of Commissioners and attested by her as Clerk to said Board of Commissioners.

Witness my hand and official stamp or seal, this the _____ day of _____, 20__.

_____
Notary Public

My Commission Expires:_____

**STATE OF NORTH CAROLINA )**
**)**
**COUNTY OF MONTGOMERY )**

I, a Notary Public of the County and State aforesaid, certify that _____ personally came before me this day and acknowledged that she is the Secretary of The Montgomery County Board of Education and that by authority duly given and as the act of said Board of Education, the foregoing instrument was signed in its name by the Chairman of said Board of Education and attested by her as Secretary of said Board of Education.

Witness my hand and official stamp or seal, this the ____ day of _____, 20__.

_____
Notary Public

My Commission Expires:_____

# EXHIBIT A

## LEGAL DESCRIPTION OF THE SCHOOL PROJECT SITE

# Diversity 20/20

www.Montgomery.k12.nc.us

# Overview

- Why?
- When?
- What?
- How?
- Who?

# Diversity

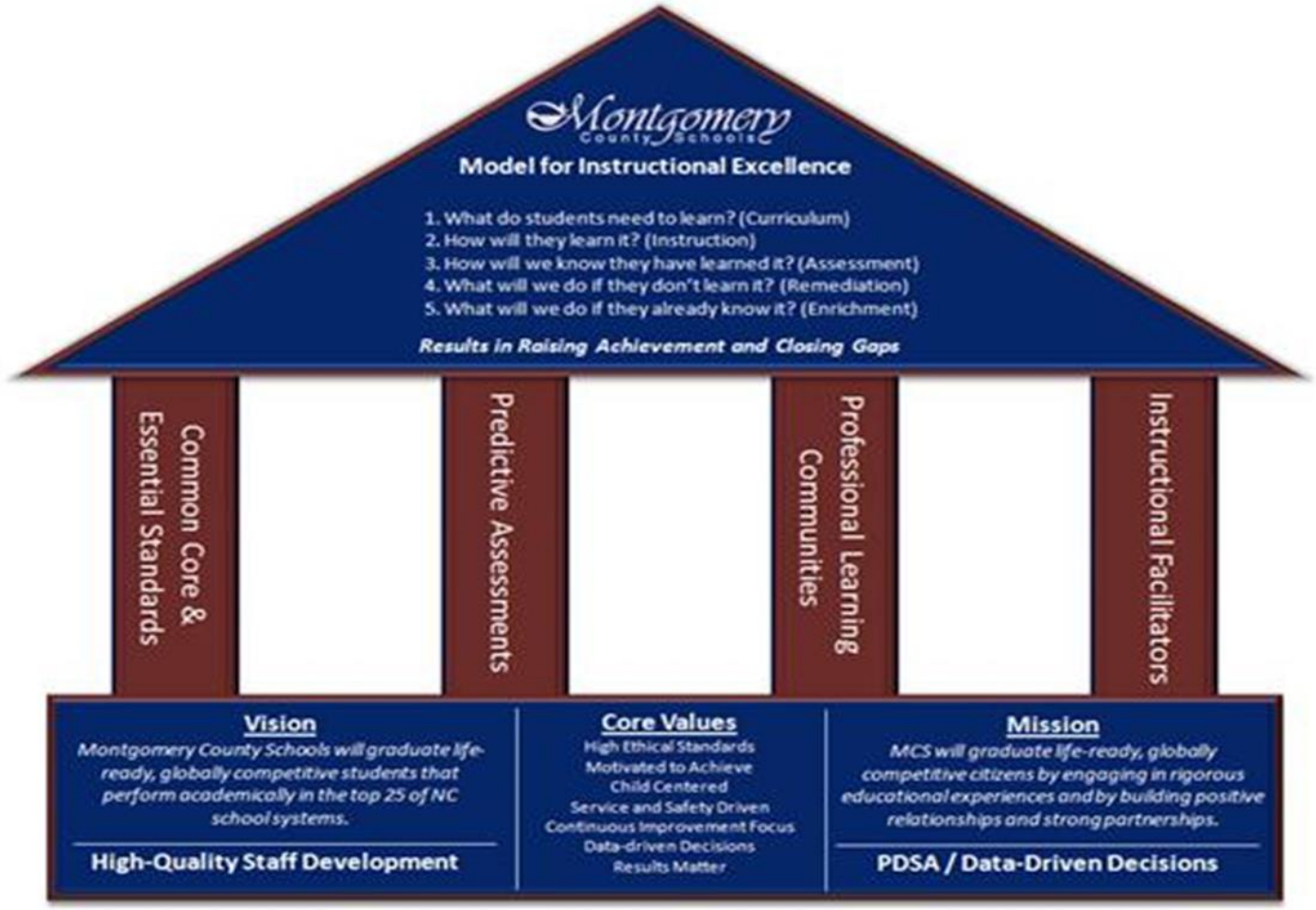
- **Diversity Definition**: Webster-the condition of having or being composed of differing elements : VARIETY; *especially* : the inclusion of different types of people (as people of different races or cultures) in a group or organization
  - All of our human differences

- **Diversity Training**: Understanding how our differences **may** effect or influence our work and learning to leverage Diversity to create (**impact**) a more productive and inclusive culture.
  - Cultural Responsiveness- Doing (Going beyond Cultural Proficiency- Knowing)
- **MCS Diversity Tagline: Doing Different for Diversity (DDD)**

# Importance of Diversity

- Cultural Responsive practices benefit all students. Great practices.
- We are public schools who serve the public.
- People of Color make-up almost 40% of the United States Labor Market.
- More people with disabilities are entering school, college and the workforce .
- Globalization is a focus for all modernized countries for business and national security purposes.

# Why is Diversity Important to MCS?



# Strategic Goals

- Globally Competitive Students
- 21st Century Professionals
- Healthy/Responsible
- Leadership Guides Innovation
- 21st Century Systems

# When will MCS address Diversity?

- We are actively addressing Diversity, now.
- Diversity Taskforce 1.0
  - Meet throughout the school year.
  - School and community members.
  - Developed and implemented an improvement plan focused on cultural awareness.
    - Established by Dr. Kevin Lancaster, Deputy Superintendent and the former Chief Diversity Officer.
    - Lead by Jack Cagle-Director of Community Partnerships & Drop-out Prevention
    - Dreambuilders working with students, staff and administrators.
    - Historical Black Colleges and University partnerships and recruitment (Winston-Salem State University, North Carolina Agricultural & Technical University, North Carolina Central University and University of North Carolina at Pembroke)

# What will MCS do next?

- Students
- Teachers




- District
- Administrators

"Doing Different for Diversity (DDD)"

# How?

- Goals
  1. Develop a Diversity Strategic Plan with measurable objectives for students, teachers, administrators and district staff.
  2. Create a working knowledge and understanding of Diversity-**Awareness.**
  3. Create a cultural responsiveness learning environment- **Instructional Practices.**
  4. Create a cultural responsiveness school climate-**Discipline.**
  5. Improve relationships with all stakeholders and potential employees-**Human Capital.**
  6. Narrow the achievement gap-**Achievement.**
- Objectives
  - Will be determined by the Diversity Taskforce and school leaders in Summer 2017/Fall 2017, but must be Specific, Measurable, Achievable, Results oriented and Time bound (SMART).
- Criteria
  - The Diversity Taskforce will develop a PDSA Deployment Plan, rooted in evidenced-based practices and follow adaptations from Cultural Responsive Education Models for students, teachers and leaders.

# Who?

- Reconfigure the Diversity Taskforce in 2017-18 to include:
  - Representation from each school, appointed by the Principal and must share information with the School Improvement Team.
  - Members of community organizations reflective of the populations we serve.
  - Members of business and industry.
  - Historical Black Colleges and Universities (HBCUs) OR Historical Minority Colleges and Universities (HMCUs).
  - Facilitated by Dr. Takeda LeGrand, Assistant Superintendent for Accountability, Diversity and Equity
- Teacher Leaders-embed work in lesson plans and professional development plans
- School-based Leaders-embed work in School Improvement Plan
- District Leaders-embed work in Department Improvement Plan
- Community Leaders-embed in work that is applicable to their respective interest.

# Implementation Timeline

- Year 1- Awareness at the school, district and community levels.
- Year 2- Build capacity and advanced professional development beyond awareness to doing.
- Year 3- Student and staff impact analysis.

# Comments, Questions and Ideas

Please share, thanks!

# *PROCLAMATION*

## National Teacher Appreciation Week 2017

**WHEREAS**, teachers mold future citizens through guidance and education; and

**WHEREAS**, teachers encounter students of widely differing backgrounds; and

**WHEREAS**, our country's future depends upon providing quality education to all students; and

**WHEREAS**, teachers spend countless hours preparing lessons, evaluating progress, counseling and coaching students and performing community service; and

**WHEREAS**, our community recognizes and supports its teachers in educating the children of this community.

**NOW, THEREFORE, BE IT RESOLVED** that the Montgomery County Board of Education proclaims May 1-6, 2017, to be *TEACHER APPRECIATION WEEK*; and

**BE IT FURTHER RESOLVED** that the Montgomery County Board of Education strongly encourages all members of our community to join in personally expressing appreciation to our teachers for their dedication and devotion to their work.

Adopted this 1st day of May, 2017.

_____ _____

*Steven W. DeBerry, Chairman* *Dale Ellis, Ed. D., Secretary*

# Equity in School Lunch Pricing Section 205

Montgomery County Schools
Child Nutrition
May 1, 2017

# Equity in School Lunch Pricing

- Section 205 of the 2010 Child Nutrition Reauthorization Act: "Equity in School Lunch Pricing"
- Intent: To ensure that sufficient funds are provided to the food service account for paid lunches
- This provision only applies to paid lunches

# Paid Meal Equity Timeline

- Effective July 1, 2017
- All school food authorities must base paid lunch prices for School Year 2017-2018 on these requirements

# Paid Meal Equity Overview

- Schools will compare the average price for paid lunches to the difference between the per meal Federal reimbursement for free and paid lunches
  - The current free meal reimbursement rate is $3.24
  - The current paid meal reimbursement rate is $0.38
  - $3.24 – $0.38 = $2.86 difference

# Calculating Average Paid Lunch Price

- If a school food authority's average paid lunch price is $2.86 or more, the school is in compliance and no further action is needed.
- Montgomery County Schools 2016-2017 Weighted Average Lunch Price is $2.27

# Increasing revenue for paid lunches

- If a school's average paid lunch price is less than $2.86, it must increase the average paid lunch price by the inflation factor percentage (4.64%)

- $2.27 X 4.64%=$2.38
  Weighted Paid Lunch Price to be in compliance for 2017-18

# Recommendation:

- Increase  Middle & HS Lunch Price to $2.45 (+ .10 cents)
- Increase Elementary School Lunch Price to of $2.25 (+ .10 cents)

*$2.25 at the Elementary Schools

* $2.45 at the Middle & High Schools

Oct. 2016-ADM 4,009

- 1,015 Paid Students (25.00%)
- 619 Middle & HS Paid Students eat daily
- 396 Elementary Paid Students eat daily

# Impact on families

- The maximum required annual increase per child would be 10 CENTS:
- Example: A child attends a school of which the paid lunch price increased by Elementary-10 cents or Middle & High - 10 cents. The child eats every day. The child would pay about $18 for Elementary, Middle and High Schools Students extra for the year.

  - ✓ 180 * 10 cents = $ 18
  - ✓ 180 * 10 cents = $ 18

# Questions?

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 High School. 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, benzodiazopenes, 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 High School.

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 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 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 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.

- ~~Refusal to test will be handled the same as a verified positive result~~.

**<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, benzodiazopenes 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:

## Collections and Solicitations (On-line) *Policy Code:* **5225**

As the board has outlined general guidelines for Collections and Solicitations (Policy 5220), they recognize there are on-line programs that help schools solicit funds from the community. On-line funding (Crowdfunding) will be considered fundraisers and follow all fundraising procedures. Any employee who wants to use these types of programs to raise funds for their school must follow all the procedures below:

- All crowdfunding sites considered for approval must provide reliable contribution reports for the fundraiser.
- All funds raised must only be used to benefit the specified school's needs.
- The proposal submitted to the crowdfunding site must be attached to the Fundraiser Authorizations Request. The fundraiser must be approved prior to activation of the crowdfunding request.
- The fundraiser should be identified on the website as "Montgomery County Board of Education – "School Name" – "Description" Fundraiser, consistent with the requirements of the website. The fundraiser website account should be set up under the MCS EIN. If possible, each school should have a controlled user account with the crowdfunding website that all employees will be required to utilize.
- All funds raised must be deposited directly into the school bank account from the website. Personal bank accounts may not be used.
- The school bookkeeper must be the administrator on the account and have sole authority for downloading the funds into the school bank account.
- The fundraiser must have a clear beginning and ending date within the same school year.
- At the conclusion of the fundraiser, a copy of the website Donation and Withdrawal Report must be generated by the bookkeeper and submitted with the fundraiser profit and loss statement.
- Property received through crowdfunding sites is considered to be the property of the district and will remain in the classroom. If the teacher moves to another site within the district or leaves to teach in another school system, the materials remain at the school.
- Items received through crowdfunding sites must follow the Fixed Asset Management guidelines as it pertains to inventory and asset tagging.
- Information placed on crowdfunding sites must not violate student privacy. Information that should not be listed includes, but is not limited to, pictures of students, student names, descriptions of the school's student population as disabled, in poverty, as English language learners, etc. or statements that infer the school is unable to meet the needs of the children it serves.

Adopted:

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PHONE: (910) 576-6511 • FAX: (910) 576-2044

TO: Board of Education

FROM: Kevin Lancaster

DATE: May 1, 2017

SUBJ: Agenda Items – Policies for First Read

Attached you will find proposed Policy Codes for your consideration.

- Policy 1200 Governing Principle – Student Success
- Policy 1300 Governing Principle – Parent Involvement
- Policy 1310/4002 Parental Involvement
- Policy 1320/3560 Title 1 Parent and Family Engagement
- Policy 3410 Testing and Assessment Program
- Policy 3420 Student Promotion and Accountability
- Policy 3470/4305 Alternative Learning Programs/Schools
- Policy 3640/5130 Student Voter Registration and Preregistration
- Policy 4125 Homeless Students
- Policy 4150 School Assignment
- Policy 4155 Assignment to Classes
- Policy 4250/5075/7316 North Carolina Address Confidentiality Program
- Policy 4302-R Rules for Use of Seclusion and Restraint in Schools
- Policy 4700 Students Records
- Policy 5008 Automated Phone and Text Messaging
- Policy 5030 Community Use of Facilities
- Policy 6140 Student Wellness
- Policy 6320 Use of Student Transportation Services
- Policy 6450 Purchase of Services
- Policy 7930 Professional Employees: Demotion and Dismissal

A system of excellent schools in which every student has an opportunity to receive a sound basic education has as its first priority to provide opportunities for individual students to succeed and overall student performance to improve. Through its policies, the board has made student success a priority for the school system. Student success is addressed in the following policies:

Board Authority and Duties ..... (policy 1010)
Parental Involvement ..... (policy 1310/4002)
Title I Parent and Family Engagement ~~Involvement~~ ..... (policy 1320/3560)
Professional and Staff Development ..... (policy 1610/7800)
Goals and Objectives of the Educational Program ..... (policy 3000)
Curriculum Development ..... (policy 3100)
Innovation in Curriculum and Instruction ..... (policy 3110)
Lesson Planning ..... (policy 3120)
Grouping for Instruction ..... (policy 3130)
Evaluation of Instructional Programs ..... (policy 3140)
Selection of Instructional Materials ..... (policy 3200)
Technology in the Educational Program ..... (policy 3220)
School Calendar and Time for Learning ..... (policy 3300)
Evaluation of Student Progress ..... (policy 3400)
Students at Risk of Academic Failure ..... (policy 3405)
Testing and Assessment Program ..... (policy 3410)
Student Promotion and Accountability ..... (policy 3420)
School Improvement Plan ..... (policy 3430)
Recognizing Excellence ..... (policy 3440)
Graduation Requirements ..... (policy 3460)
Alternative Learning Programs/Schools ..... (policy 3470/4305)
Counseling Program ..... (policy 3610)
Extracurricular Activities and Student Organizations ..... (policy 3620)
Staff-Student Relations ..... (policy 4040/7310)
Student Behavior Policies ..... (policy 4300)
School Plan for Management of Student Behavior ..... (policy 4302)
Fair and Consistent Discipline Administration ..... (policy 4303)
Attendance ..... (policy 4400)
Schools and the Community ..... (policy 5000)
Parent Organizations ..... (policy 5010)
News Media Relations ..... (policy 5040)
Use of Student Transportation Services ..... (policy 6320)
Goals of Equipment, Materials, and Supplies Services ..... (policy 6500)
Staff Responsibilities ..... (policy 7300)
Job Descriptions ..... (policy 7400)
Teacher Contracts ..... (policy 7410)
Superintendent Contract ..... (policy 7420)
School Administrator Contracts ..... (policy 7425)

Assignments/Reassignments/Transfers.....(policy 7440)
Evaluation of Licensed Employees.....(policy 7810)
Professional Employees: Demotion and Dismissal .....(policy 7930)
Budget Planning and Adoption.....(policy 8100)
Budget Resolution.....(policy 8110)
Planning to Address Facility Needs.....(policy 9000)

Legal References: G.S. 115C-36, -47; *Leandro v. State*, 346 N.C. 336 (1997)

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

Adopted: January 11, 2016

# GOVERNING PRINCIPLE – PARENTAL INVOLVEMENT

*Policy Code:* **1300**

A system of excellent schools involves parents in decisions regarding their own children, the educational program, and the schools. Unless otherwise stated in specific policies, references to "parents" also include persons acting in the place of parents, such as legal guardians or legal custodians. The board's vision for involving parents is expressed through the following board policies:


Governing Principles .....(policy 1100)
Parental Involvement .....(policy 1310/4002)
Title I Parent and Family Engagement ~~Involvement~~ .....(policy 1320/3560)
Discrimination, Harassment, and Bullying Complaint Procedure.....(policy 1720/4015/7225)
Nondiscrimination on the Basis of Disabilities .....(policy 1730/4022/7231)
Student and Parent Grievance Procedure.....(policy 1740/4010)
Responding to Complaints.....(policy 1742/5060)
Public Participation at Board Meetings .....(policy 2310)
Policy Development.....(policy 2410)
Adoption of Policies .....(policy 2420)
Curriculum Development.....(policy 3100)
Innovation in Curriculum and Instruction.....(policy 3110)
Selection of Instructional Materials.....(policy 3200)
Parental Inspection of and Objection to Instructional Materials .....(policy 3210)
Technology Responsible Use.....(policy 3225/4312/7320)
School Trips.....(policy 3320)
Evaluation of Student Progress..... (policy 3400)
Students at Risk of Academic Failure.....(policy 3405)
Student Promotion and Accountability.....(policy 3420)
School Improvement Plan.....(policy 3430)
Class Rankings .....(policy 3450)
Alternative Learning Programs/Schools.....(policy 3470/4305)
Religious-Based Exemptions from School Programs.....(policy 3510)
Special Education Programs/Rights of Students with Disabilities .....(policy 3520)
Comprehensive Health Education Program.....(policy 3540)
Counseling Program.....(policy 3610)
Extracurricular Activities and Student Organizations .....(policy 3620)
Equal Educational Opportunities .....(policy 4001)
Age Requirements for Initial Entry.....(policy 4100)
Discretionary Admission .....(policy 4130)
School Assignment .....(policy 4150)
Release of Students from School .....(policy 4210)
Student Insurance Program..... (policy 4220)
Student Behavior Policies.....(policy 4300)
School Plan for Management of Student Behavior.....(policy 4302)
School-Level Investigations.....(policy 4340)

Parental Involvement in Student Behavior Issues .....(policy 4341)
Removal of Student During the Day.....(policy 4352)
Long-Term Suspension, 365-Day Suspension, Expulsion .....(policy 4353)
Student Discipline Hearing Procedures .....(policy 4370)
Attendance .....(policy 4400)
Student Fees.....(policy 4600)
Student Records .....(policy 4700)
Surveys of Students..... (policy 4720)
Parent Organizations.....(policy 5010)
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)
Bus Routes .....(policy 6321)
Student Assignment to Buses.....(policy 6322)
Naming Facilities.....(policy 9300)

Legal References: G.S. 115C-36

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

Adopted:

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 district ~~system~~, and his or her own child's progress. The board also encourages parents to participate in activities designed by school personnel to involve them, such as parent conferences, in order to encourage effective communication.

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

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

2. promotion of responsible parenting;

3. ~~involvement of~~ involving parents and guardians in student learning;

4. promotion of volunteering;

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

6. parental training;

7. community collaboration; and

8. promotion of student health awareness.

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

## A. PARENT COMMUNICATION AND CONFERENCES

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

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

The principal or designee 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.

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

## B. PARENTAL NOTIFICATION

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

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

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

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

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

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

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

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

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

Procedure;

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

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

10. 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);

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

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

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

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

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

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

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

    e. teacher qualifications.

14. the grade awarded to the school on the most recent annual report card issued for it by the State Board of Education if the school received a grade of D or F;

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

16. information about meningococcal meningitis and influenza, including the causes, symptoms, and vaccines, how the diseases are spread, and places where ~~parents and guardians may obtain~~ additional information and vaccinations ~~for their children~~ maybe obtained;

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

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

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

20. information about the school breakfast program;

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

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

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

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

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

26. their right to take four hours of ~~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);

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

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

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

## C. OPPORTUNITIES TO WITHHOLD CONSENT/OPT OUT

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

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

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

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

4. their child's participation in curricula related to (a) prevention of sexually transmitted diseases, including ~~Acquired Immune Deficiency Syndrome (AIDS); (b) avoidance of out-of-wedlock pregnancy; or (c)~~ HIV and 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;

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

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

7. their child's participation in any non-emergency, invasive physical examination or

screening that is: (a) required as a condition of attendance; (b) administered and scheduled in advance by the school administration; and (c) not necessary to protect the immediate health and safety of students;

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

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

Any parent or legal guardian ~~who wishes to opt out/withhold~~ wishing to withhold consent must do so in writing after receiving notice. Otherwise, consent to the programs or activities is presumed. After the annual notification, the school is not required to provide further notice to the parent 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' independent access to the Internet, as described in policy 3225/4312/7320, Technology Responsible Use.

Legal References: Elementary and Secondary Education Act, as amended, 20 U.S.C. 6301 *et seq.*, 34 C.F.R. pt. 200; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, 34 C.F.R. pt. 99; Protection of Pupil Rights Amendment, 20 U.S.C. 1232h, 34 C.F.R. pt. 98; Individuals with Disabilities Education Act, 20 U.S.C. 1400, *et seq.*; Asbestos Hazard Emergency Response Act, 15 U.S.C. 2641, *et seq.*; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431, *et seq.*; 42 U.S.C. 1758, 7 C.F.R. pt. 245; 42 U.S.C. 1758b; National School Lunch Program, 42 U.S.C. 1751 *et seq.*, 7 C.F.R. 210.12; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. 108.9; 20 U.S.C. 7908; G.S. 90-21.1; 95-28.3; 115C-47(47), -47(51), -47(54), -47(58), -81(e1), -105.41, -109.1, -174.26(d), -307(c), -375.4, -390.2, -391.1, -407.16; State Board of Education Policies ~~FCB-A-000, GCS-A-001, GCS-J-002~~KNEC-002, PRNT-000, TEST-001

Cross References: Title I Parent and Family Engagement (policy 1320/3560), Prohibition Against Discrimination, Harassment, and Bullying (policy 1710/4021/7230), Discrimination, Harassment, and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Student and Parent Grievance Procedure (policy 1740/4010), Technology Responsible Use (policy 3225/4312/7320), Evaluation of Student Progress (policy 3400), Students at Risk of Academic Failure (policy 3405), 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 – Reports and Investigations (policy 4240/7312), Student Behavior Policies (4300 series), Rules for Use of Seclusion and Restraint in Schools (regulation 4302-R), Student Fees (policy 4600), Student Records (policy 4700), Surveys of Students (policy 4720), School Volunteers (policy 5015), Registered Sex Offenders (policy 5022), Administering Medicines to Students (policy 6125), Student Wellness (policy 6140), Free and Reduced Price Meal Services (policy 6225), Pest Management (policy 9205)

Adopted: March 6, 2000
Revised: January 12, 2009
Updated: March 1, 2009
Updated: April 13, 2010
Updated: December 8, 2010
Updated: April 3, 2012
Updated: January 7, 2013
Updated: June 3, 2013
Updated: December 9, 2013
Updated: December 8, 2014
Updated: August 3, 2015
Updated: December 7, 2015

Updated: November 7, 2016
Updated:

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

## A. DEFINITION OF PARENT AND FAMILY ENGAGEMENT

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

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

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

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

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

## B. PURPOSE AND OPERATION OF TITLE I PROGRAM

The Title I program is a federally supported program that offers assistance to educationally and economically disadvantaged children to help ensure they receive an equitable, high-quality, well-rounded education and meet the school system's challenging academic standards. The Title I program provides instructional activities and supportive services to eligible students over and above those provided by the regular school program.

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

services to eligible students most in need of assistance in the school, as determined by objective criteria established by the superintendent or designee. Eligibility criteria may include, for example, standardized test scores, teacher judgment, and results of preschool screening and home-school surveys.

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

## C. ANNUAL MEETING AND PROGRAM EVALUATION

Each year, school officials must invite parents of students participating in Title I programs to a meeting to explain parental rights, discuss the programs and activities to be provided with Title I funds, and solicit input on the Title I program and this policy. In addition, school officials must provide parents and family members a meaningful opportunity annually to evaluate the content and effectiveness of the Title I programs and the parent and family engagement policies and plans. Information collected from these proceedings will be used to revise Title I programs and parent and family engagement plans.

## D. PARENT AND FAMILY ENGAGEMENT EFFORTS

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

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

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

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

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

2. provide coordination, technical assistance, and other support from various central office departments necessary to assist and build the capacity of all participating schools in planning and implementing effective parent and family engagement activities that are designed to improve student academic achievement and school performance;

3. coordinate and integrate parent and family engagement strategies in the Title I program to the extent feasible and appropriate with parental engagement strategies established in other federal, state, and local laws and programs;

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

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

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

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

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

9. distribute to parents information on expected student proficiency levels for their child and the school's academic performance, and provide materials and training to

help parents monitor their child's progress and work with educators to improve achievement through such methods as literacy training or using technology, which may include education about the harms of copyright piracy;

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

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

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

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

## E. NOTICE REQUIREMENTS

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

1. Program for English Learners

   Each year the principal or designee shall provide notice of the following to parents of English learners identified for participation in a Title I, Part A or Title III funded language-instruction educational program:

   a. the reasons for the child's identification;

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

   c. methods of instruction;

   d. how the program will help the child;

   e. the exit requirements for the program;

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

   g. any other information necessary to effectively inform the parent of the

program and the parental rights regarding enrollment, removal, and selection of a program for English learners; and

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

2. System Report Card

Each year, school system officials shall disseminate to all parents, schools, and the public a school system report card containing information about the school system and each school, including, but not limited to:

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

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

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

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

e. teacher qualifications.

3. Teacher Qualifications

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

b. The principal or designee of a Title I school shall provide timely notice informing parents that their student has been assigned to or has been taught for at least four consecutive weeks by a teacher who does not meet applicable state certification or licensure requirements at the grade level or subject area in which the teacher has been assigned.

4. Parental Rights and Opportunities for Involvement

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

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

**F. WEBSITE DISTRIBUTION OF INFORMATION**

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

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

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

   a. the subject matter assessed;

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

   c. the source of the requirement for the assessment;

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

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

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

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

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

Adopted: July 1, 2009
Updated: April 3, 2012
Updated: January 14, 2013

Updated: June 3, 2014
Updated: December 8, 2014
Updated: December 7, 2015
Updated: November 7, 2016
Updated:

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

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

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

The superintendent shall provide for the proper administration of all state-required tests, screenings, and other assessments and any state-required remedial instruction and/or retesting in accordance with all requirements established by law or the State Board of Education. The superintendent, in consultation with the school principals, shall determine how results from such measures will be used in determining students' final grades, provided that the requirements described in Section B, below, and any other applicable state requirements are met.

The superintendent shall provide for the online administration of state-required tests to the extent required by the State Board of Education or the Department of Public Instruction, and otherwise as feasible within available resources. The superintendent shall keep the board informed of any resources or other measures needed to support online test administration.

Students may participate in field testing and other sample testing as designated by the State Board or the Department of Public Instruction.

The superintendent shall develop security and administration procedures for the state testing program and other assessments that are consistent with State Board of Education requirements and relevant law. The superintendent shall ensure that all relevant personnel are instructed in such procedures. All testing personnel, teachers, and school administrators are required to be familiar with and adhere to all applicable testing manuals, handbooks, and guides, including the Testing Code of Ethics, for state and locally-required tests. Failure to follow procedures may result in disciplinary sanctions, including termination or revocation of administrative and/or teaching licenses.

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

High school students must take all end-of-course (EOC) tests, NC Final Exams, and Career and Technical Education State Assessments (CTE Post-Assessments) required by the State Board of Education. The results of EOC tests, NC Final Exams, and CTE Post-

Assessments will count as 25 percent of a student's final grade in each high school course for which there is an EOC test, NC Final Exam, or CTE Post-Assessment. This requirement does not apply to EOC tests for students following the Occupational Course of Study Pathway. Further, CTE students who earn a credential that is approved under Department of Public Instruction guidelines as evidence of technical skill attainment will not be required to take the CTE Post-Assessment in the course.

## C. MINIMIZING TIME SPENT TESTING

The superintendent or designee shall ensure that the time students spend taking standardized state and local tests and the frequency of field testing at a particular school are minimized. Specifically, the superintendent shall ensure the following.

1. Schools will devote no more than two days of instructional time per year to the taking of practice tests that do not have the primary purpose of assessing current student learning.

2. Students will not be subject to field tests or national tests during the two-week period preceding their school's administration of end-of-grade tests, end-of-course tests, or regularly scheduled final exams.

3. No school will participate in more than two field tests at any one grade level during a school year.

4. All annual assessments of student achievement adopted by the State Board of Education pursuant to G.S. 115C-174.11(c)(1) or other applicable law and all final exams for courses will be administered within the final ten instructional days of the school year for year-long courses and within the final five instructional days of the semester for semester courses. Exceptions will be permitted on an individual basis to accommodate a student's individualized education program ~~and~~ or Section 504 plan~~s;~~ ~~and~~ for the administration of final exams for courses with national or international curricula required to be held at designated times; for make-up testing; and as otherwise permitted by the Department of Public Instruction.

Legal References: The Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, -h; 34 C.F.R. pt. 99; G.S. 115C, art. 10A; 115C-47, -81, -83.5, -83.6, -174.11, -174.12(a), -174.13, -174.22, -174.25, -276, -288, -307, -402.5; State Board of Education ~~Policies GCS-A series; GCS-C series; GCS-N series; TCP-C-006;~~ Policy series TEST and GRAD; EVAL-006~~16~~, EVAL-025 through -031 ~~N.C.A.C. 6D .0301 – .0306~~

Cross References: Professional and Staff Development (policy 1610/7800), Goals and Objectives of the Educational Program (policy 3000), Student Promotion and Accountability (policy 3420), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350)

Other References: *NC Final Exams Test Administrators' Guides*, available at

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

Adopted: March 6, 2000
Updated: June 1, 2009
Updated: March 6, 2010
Updated: December 6, 2011
Updated: January 14, 2013
Updated: June 3, 2013
Updated: June 2, 2014
Updated: December 8, 2014
Updated: June 6, 2016
Updated:

## A. PURPOSE

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

## B. STUDENT PROMOTION STANDARDS

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

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

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

## C. DIPLOMA STANDARDS

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

## D. APPEALS OF PROMOTION DECISIONS

1. Appeal to the Superintendent

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

or was otherwise an abuse of discretion.

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

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

2. Appeal to the Board of Education

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

## E. READING CAMPS

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

## F. PROMOTION STANDARDS FOR STUDENTS WITH DISABILITIES

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

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

## G. CREDIT BY DEMONSTRATED MASTERY

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

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

## H. REPEATING A COURSE FOR CREDIT

1. Repeating a Previously Failed Course

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

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

   The board recognizes that high school students may need to repeat a course for which they have earned credit in order to increase their understanding of the course content, to improve skill mastery, or to meet postsecondary goals. Students may repeat a course for which they have previously earned credit, subject to the following preconditions and any other reasonable rules established by the superintendent:

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

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

   c. the principal or designee must approve the request;

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

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

   f. upon completion of the repeated course, the new course grade will replace the student's original grade on the student's transcript and in calculations of

the student's GPA, class rank, and honor roll eligibility, regardless of whether the later grade is higher or lower than the student's original mark;

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

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

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

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

## I. ACCELERATION

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

The principal, after consulting with the professional staff and the student's parents, may determine that skipping a grade level is appropriate. If permitted by state law and State Board policy, credit toward high school graduation may be awarded for advancement or placement out of a high school course. The superintendent shall provide any additional criteria necessary to make a determination of whether credit may be awarded.

## J. REPORTING REQUIREMENTS

1. Superintendent's Report to the Board

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

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

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

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

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

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

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

3. Publication on the School System Website

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

## K. RESOURCES

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

## L. NOTIFICATION TO PARENTS

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

The teacher of a student who does not meet promotion standards must notify the student's parents that the student has failed to meet the standards for progression to the next level of study and must provide the parents with information concerning retesting, intervention, review, and appeal opportunities. When a student is to be retained, the principal shall provide the student's parents written notice of the retention and, if the student will be retained in accordance with G.S. 115C-83.7(a) for failure to demonstrate reading proficiency, (1) written notice of the reason the student is not eligible for a good cause

exemption as provided in G.S. 115C-83.7(b) and (2) a description of proposed reading interventions that will be provided to the student to remediate identified areas of reading deficiency. Teachers shall provide parents of students retained under G.S. 115C-83.7(a) at least monthly written reports on student progress toward reading proficiency. The evaluation of a student's progress will be based upon the student's classroom work, observations, tests, assessments, and other relevant information.

## M. CHILDREN OF MILITARY FAMILIES

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

Legal References: G.S. 115C-36, -45(c), -47, -81, -83.2, -83.3, -83.6, -83.7, -83.8, -83.9, -83.10, -83.11, -105.21, -174.11, -288(a), -407.5; State Board of Education Policies ~~GCS-J-002, GCS-J-003, GCS-M-001~~CCRE-001, KNEC-002, KNEC-003

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

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

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

## A. PURPOSES

The board is committed to the goal of providing a safe and orderly learning environment in each school. The educational program and the student behavior management plan developed at each school, in addition to numerous other strategies identified in board policy, are intended to create such an environment and to help each student be a successful and contributing member of the school community.

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

## B. ALTERNATIVE LEARNING PROGRAMS/SCHOOLS

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

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

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

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

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

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

## C. TRANSFER TO ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

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. 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.

1. 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.

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

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

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

3. Voluntary Referral

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

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

4. Involuntary Referral

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

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

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

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

d. the student has been charged with a felony or a crime that allegedly

endangered the safety of others, and it is reasonably foreseeable that the educational environment in the regular educational setting will be significantly disrupted if the student remains; or

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

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

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

If an agreement for voluntary transfer is not reached and a basis for involuntary transfer exists, the principal may ~~recommend~~ refer the student to a multi-disciplinary team to determine whether the student should ~~to the superintendent that the student~~ 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~~an involuntary transfer~~.

A copy of the ~~recommendation~~ referral and other documentation must be provided to the parent~~s~~ 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. The student's parent or guardian shall be provided written notice of the time, place, and date of the meeting.~~parent may request an informal meeting with the superintendent to discuss the transfer. The superintendent has the authority to determine who may be present at 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 ~~superintendent~~ approves the transfer, the principal of the regular educational setting and the principal of the alternative school shall make all necessary arrangements.

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

If the principal intends to refer for an involuntary transfer to the alternative school a student who is eligible for services under the Individuals with Disabilities Education Act (IDEA), the principal shall first convene the student's Individual Education Program (IEP) team to determine whether such a transfer constitutes a change in placement for the student. All decisions regarding changes in a student's placement or service delivery must be made by the student's IEP team. If the IEP team determines that the proposed transfer would not constitute a change in placement, the principal shall refer the proposed transfer to the multidisciplinary team for consideration in accordance with the process described in subsection C.4, above.

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

6. Appeals Process

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

In all other cases, within three business days of receiving written notice of the multi-disciplinary team's decision, ~~T~~the parent or guardian may appeal the ~~superintendent's~~ decision in writing to the ~~board~~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.

~~5.~~7. Assignment During a Long-Term or 365-Day Suspension

A student who receives a long-term or 365-day suspension may be offered services in the alternative learning program or school for a portion or the full duration of the suspension. See policy 4353, Long-Term Suspension, 365-Day Suspension, Expulsion. Any student who receives a long-term or 365-day suspension must be

offered alternative education services unless the superintendent provides a significant or important reason for declining to offer such services. Alternative education services include, but are not limited to, the alternative programs or schools established in this policy in accordance with G.S. 115C-105.47A.

~~6.~~8. 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.

## D. 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.

## E. 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 an evaluation rating of less than "accomplished" within the last three years.

## F. EVALUATION OF ALTERNATIVE LEARNING PROGRAMS OR SCHOOLS

1. State Accountability

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

2. Information to be Reported to the Board of Education

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

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

b. drop-out rates;

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

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

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

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

g. any other information the superintendent requires.

To assist the board in evaluating an alternative learning program or school, each alternative school or program's ~~school improvement~~ system safe plan must include measures of the effectiveness of the alternative program or school.

3. Items to be Considered

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

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

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

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

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

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

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

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

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

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

Adopted: March 6, 2000
Revised: January 12, 2009
Updated: April 13, 2010
Updated: November 3, 2010
Updated: September 14, 2011
Updated: December 6, 2011
Updated: March 4, 2013
Updated: June 1, 2015
Updated:

# STUDENT VOTER REGISTRATION AND PREREGISTRATION

*Policy Code:* **3640/5130**

The board is committed to securing the future of democracy by preparing young people to be educated, engaged voters. Further, the board is committed to working in collaboration with the local board of elections to encourage students who are sixteen years of age or older to register or preregister to vote as permitted by North Carolina law.

In keeping with this commitment, the board directs the superintendent to establish a committee of high school social studies teachers and other appropriate school personnel to collaborate with the local board of elections to facilitate and encourage voter registration and preregistration at all high schools in the school system.

~~In compliance with G.S. 163-82.23, the~~The principal of each high school shall make the application forms described in G.S. 163-82.3 available to all students and others who are eligible to register or preregister to vote ~~the application forms described in G.S. 163-82.3~~.

Legal References: G.S. 115C-47(59), -81(g1)(1)(b); 163-82.1, -82.3, -82.23

Cross References: Citizenship and Character Education (policy 3530)

Adopted: August 3, 2010
Updated: December 9, 2013
Updated:

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

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

## A. DEFINITION OF HOMELESS STUDENTS

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

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

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

3. living in emergency or transitional shelters;

4. abandoned in hospitals;

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

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

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

## B. HOMELESS LIAISON

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

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

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

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

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

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

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

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

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

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

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

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

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

## C. ACCESS TO STUDENTS' RECORDS

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

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

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

## D. ENROLLMENT

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

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

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

## E. ENROLLMENT DISPUTE RESOLUTION

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

1. Initiation of the Dispute and Stay Put

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

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

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

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

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

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

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

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

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

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

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

2. Homeless Liaison Review

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

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

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

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

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

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

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

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

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

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

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

## F. TRANSPORTATION

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

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

## G. TITLE I

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

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

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

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

## 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 state requirements and court rulings; 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 attendance areas and submit recommendations for revisions to the board when necessary.

## B. ASSIGNMENT OF STUDENTS

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

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

Parents or guardians also have the option of applying for admission to one of the school system's magnet schools. Admission decisions for magnet schools will take into account the following criteria:

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

2. efficient use of school facilities;

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

4. enabling siblings to attend the same school; and

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

## C. REQUESTS FOR REASSIGNMENT

1. Procedure for Requesting Reassignment Before Notice of Assignment

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

2. Procedure for Requesting Reassignment After Notice of Assignment

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

Within five days of receiving the notice of the disapproval, the parent may request a hearing on the reassignment request. The board or a panel of the board will hear the appeal. If a panel hears the appeal, the panel's recommendation will be submitted to the full board for a final determination. At the hearing the board will consider and make a determination based upon the best interest of the child, the orderly and efficient administration of the public schools, the proper administration of the school to which reassignment is requested, and the instruction, health, and safety of the pupils there enrolled. The board will promptly render a decision, and notice of the decision will be given to the applicant by mail, telephone, telefax, 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. If academics, behavior or attendance becomes a problem the student may be returned to the school in their assigned district.

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

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

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

## F. ASSIGNMENT TO ALTERNATIVE SCHOOL

Students will be assigned to the alternative school in accordance with policy 3470/4305, Alternative Learning Programs/Schools.

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 ~~HRS-A-006~~SSCH-006

Cross References: Alternative Learning Programs/Schools (policy 3470/4305), Homeless Students (policy 4125), Unsafe School Choice Transfer (policy 4152), North Carolina Address Confidentiality Program (policy 4250/5075/7316)

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

## A. GENERAL AUTHORITY

The principal has the authority to assign students to classes, subject to applicable legal requirements. The principal is encouraged to seek input from the professional staff in making these decisions. Parents may submit to the principal written requests for assignment or reassignment of their children so long as the parents provide a compelling reason for the request. The principal shall consider parental requests in assigning students to classes. Unless otherwise required by law or the special circumstances described below, the principal shall balance any individual request for assignment or reassignment against the welfare of other students and the efficient operation of the school.

## B. SPECIAL CIRCUMSTANCES

1. Multiple Birth Siblings

School officials will defer to parental preference in making the initial classroom assignment of multiple birth siblings to the extent provided in this section and applicable state law. "Multiple birth siblings" means twins, triplets, quadruplets, or other siblings resulting from a multiple birth.

a. Consultative Meeting with the School Principal

The parent or guardian of multiple birth siblings who are assigned to the same grade level and school may request a consultative meeting with the principal to consider whether to initially place the siblings into the same classroom or into separate classrooms. The request must be made no later than five days before the first day of each school year or, if the students are enrolled after the school year starts, five days after their first day of attendance.

At the meeting, the parent may request either that the students be placed (1) into the same classroom; or (2) into separate classrooms. School officials may offer professional educational advice to the parent or guardian and may recommend an appropriate classroom placement for the students.

b. Initial Classroom Placement

Following the meeting, the principal shall place the students in accordance with the parent or guardian's request unless doing so would require adding an additional class at the students' grade level.

This section shall not otherwise limit the principal's authority to determine the specific classroom assignment(s) for multiple birth siblings, including

the students' assignment to a specific teacher or team.

c. Change to Initial Classroom Placement

The principal may change the initial classroom assignment of one or more multiple birth siblings in the following circumstances:

1) the principal, in consultation with the students' classroom teacher(s), determines at the end of the first grading period that the requested placement is disruptive to the school; or

2) the principal determines that one or more of the multiple birth siblings must be removed from a classroom pursuant to any board discipline policy, school rule, and/or the Code of Student Conduct.

2. Newly Enrolled Children of Military Families

The principal shall comply with the requirements of the Interstate Compact for Military Children (G.S. 115C-407.5) when making class assignments for children of military families, as defined in policy 4050, Children of Military Families.

a. Course Placement

When a student transfers before or during the school year, school administrators shall initially honor placement in educational courses based on the student's enrollment in his or her sending school and/or educational assessments conducted at the sending school if the courses are offered. Course placement includes, but is not limited to, Honors, International Baccalaureate, Advanced Placement, ~~vocational, technical, and career~~and career and technical education (CTE) pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses are to be primary concerns when considering the student's course placement.

b. Educational Program Placement

For a newly enrolled student, school administrators shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation/placement in similar programs in the sending state. Such programs include, but are not limited to, ~~gifted and talented~~academically or intellectually gifted (AIG) programs and English as a Second Language programs.

c. Special Education Services

In compliance with the Individuals with Disabilities Education Act, school administrators shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP). In compliance with the requirements of Section 504 of the Rehabilitation Act and Title II of the Americans with Disabilities Act, school administrators shall make reasonable accommodations and modifications to address the needs of an incoming student with disabilities, subject to an existing 504 or Title II Plan, in order to provide the student with equal access to education. This accommodation does not preclude school administrators from performing subsequent evaluations to ensure appropriate placement of the student.

d. Placement Flexibility

The board authorizes and directs the superintendent and school administrators to be flexible in waiving course or program prerequisites or other preconditions for placement in courses or programs offered by the school system.

Legal References: Americans with Disabilities Act, 42 U.S.C. 12131 *et seq.*, 28 C.F.R. pt. 35; Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq*., 34 C.F.R. pt. 300; G.S. 115C-36, -83.1G, -288, -366.3, -366.4, -390.7, -407.5

Cross References: Children of Military Families (policy 4050)

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

# NORTH CAROLINA
# ADDRESS CONFIDENTIALITY PROGRAM

*Policy Code:* **4250/5075/7316**

The board seeks to provide a work and school environment free from violence or the threat of violence against employees, students, or other persons. The board encourages eligible individuals to participate in the North Carolina Address Confidentiality Program established pursuant to Chapter 15C of the General Statutes. This program protects the address of relocated victims of domestic violence, sexual offense, stalking, or human trafficking to prevent a victim's assailants or potential assailants from finding the victim through public records. The program provides participants with the use of a substitute mailing address and denies public access to a participant's actual address.

## A. PROGRAM DETAILS

The Address Confidentiality Program is administered by the State Attorney General. Information and assistance in applying to the program may be obtained by telephone from the Attorney General's Address Confidentiality Program Office at (919) 716-6785.

Program participants receive an authorization card with a substitute mailing address that may be presented whenever an address is required. Mail sent to the substitute address is forwarded cost-free by the program to the participant at his or her residential address. Students, parents, or school personnel enrolled in the Address Confidentiality Program must provide a valid authorization card if they wish to keep their home address confidential.

## B. SCHOOL PERSONNEL PARTICIPANTS

The name, actual address, and telephone number of any school system personnel participating in the Address Confidentiality Program will not be open to inspection as a public record, will not be included as part of any employee directory published by the school system, and will be redacted from any record released pursuant to G.S. 115C-320, provided the employee has provided a valid authorization card to the superintendent or designee. (See policies 5070/7350, Public Records – Retention, Release, and Disposition, and 7820, Personnel Files.)

## C. STUDENT PARTICIPANTS

The school system will use the actual address of a program participant, not the substitute address designated by the Attorney General, for any purpose related to admission or assignment but will keep the actual address confidential from the public, provided the student or parent has provided a valid authorization card to the principal. Student records will reflect only the substitute address and not the student's actual address. The student's telephone number also will be kept confidential from the public. The parent or guardian of a student participant may request that a student's name be withheld from any release of

directory information by the school, as provided in policy 1310/4002, Parental Involvement.

When transferring school records from one school to another, the transferring school may send the files to the participant (parent or guardian) via the substitute address provided by the Address Confidentiality Program to ensure confidentiality of the student's new location.

**D. DISCLOSURE PROHIBITED**

The knowing and intentional disclosure of a program participant's actual address or telephone number to unauthorized persons is prohibited. Failure to comply with this policy may result in disciplinary action, up to and including termination. In addition, violators may be subject to criminal prosecution.

Legal References: G.S. Ch. 15C; 115C-47, -320, -366(g), -402(f); 132-1.1(d)

Cross References: Parental Involvement (policy 1310/4002), Domicile or Residence Requirements (policy 4120), School Assignment (policy 4150), Student Records (policy 4700), Public Records – Retention, Release, and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Adopted: April 6, 2009
Updated: June 2, 2014
Updated:

# RULES FOR USE OF SECLUSION AND RESTRAINT IN SCHOOLS

*Regulation Code:* **4302-R**

The following rules will govern the use of seclusion and restraint by school personnel. As used in this regulation, "school personnel" means employees of the board and any persons working on school grounds or at a school function (1) under a contract or written agreement with the ~~public~~ school system to provide educational or related services to students or (2) for another agency ~~to~~ providinge educational or related services to students.

## A. PHYSICAL RESTRAINT

Physical restraint means the use of physical force to restrict the free movement of all or a part of a student's body.

Physical restraint will be considered to be a reasonable use of force when used in the following circumstances:

1. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

2. as reasonably needed to maintain order or to prevent or break up a fight;

3. as reasonably needed for self-defense;

4. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person present;

5. as reasonably needed to teach a skill, to calm or comfort a student, or to prevent self-injurious behavior;

6. as reasonably needed to escort a student safely from one area to another;

7. if used as provided for in an IEP, Section 504 plan, or behavior intervention plan; or

8. as reasonably needed to prevent imminent destruction to school or another person's property.

Except as set forth above, physical restraint of students will not be considered a reasonable use of force, and its use is prohibited. In addition, physical restraint will not be considered a reasonable use of force when used solely as a disciplinary consequence.

## B. MECHANICAL RESTRAINT

Mechanical restraint means the use of any device or material attached or adjacent to a

student's body that restricts freedom of movement or normal access to any portion of the student's body and that the student cannot easily remove.

Mechanical restraint of a student by school personnel is permissible only in the following circumstances:

1. when properly used as an assistive technology device included in the student's IEP, Section 504 plan, or behavior intervention plan, or as otherwise prescribed by a medical or related service provider;

2. when using seat belts or other safety restraints to secure a student during transportation;

3. as reasonably needed to obtain possession of weapons or other dangerous objects on the person or within the control of a student;

4. as reasonably needed for self-defense;

5. as reasonably needed to ensure the safety of any student, employee, volunteer, or other person.

Except as set forth above, mechanical restraint, including the tying ~~down~~, taping, or strapping down of a student, will not be considered to be a reasonable use of force, and its use is prohibited.

## C. SECLUSION

Seclusion means the confinement of a student alone in an enclosed space from which the student is (a) physically prevented from leaving by locking hardware or other means or (b) incapable of leaving due to physical or intellectual capacity.

Seclusion of a student by school personnel may be used in the following circumstances:

1. as reasonably needed to respond to a person in control of a weapon or other dangerous object;

2. as reasonably needed to maintain order or prevent or break up a fight;

3. as reasonably needed for self-defense;

4. as reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others or imminent substantial destruction of school or another person's property; or

5. when used as specified in the student's IEP, Section 504 plan, or behavior intervention plan; and

a. the student is ~~constantly~~ monitored by an adult in close proximity who is able to see and hear the student at all times while the student is in seclusion;

b. the student is released from seclusion upon cessation of the behaviors that led to the seclusion, or as otherwise specified in the student's IEP, Section 504 plan, or behavior intervention plan;

c. the confining space has been approved for such use by the local education agency;

d. the space is appropriately lighted, ventilated, and heated or cooled; and

e. the space is free from objects that unreasonably expose the student or others to harm.

Except as set forth above, the use of seclusion is not considered to be reasonable force, and its use is prohibited. In addition, seclusion will not be considered a reasonable use of force when used solely as a disciplinary consequence.

**D. ISOLATION**

Isolation means a behavior management technique in which a student is placed alone in an enclosed space from which the student is not prevented from leaving.

Isolation is permitted as a behavior management technique provided that:

1. the isolation space is appropriately lighted, ventilated, and heated or cooled;

2. the duration of the isolation is reasonable in light of the purpose for the isolation;

3. the student is reasonably monitored while in isolation; and

4. the isolation space is free from objects that unreasonably expose the student or others to harm.

**E. TIME-OUT**

Time-out means a behavior management technique in which a student is separated from other students for a limited period of time in a monitored setting. Teachers are authorized to use time-out to regulate behavior within their classrooms.

**F. AVERSIVE PROCEDURES**

Aversive procedure means a systematic physical or sensory intervention program for modifying the behavior of a student with a disability that causes or reasonably may be

expected to cause one or more of the following:

1. significant physical harm, such as tissue damage, physical illness, or death;

2. serious and foreseeable long-term psychological impairment;

3. obvious repulsion on the part of observers who cannot reconcile such extreme procedures with acceptable standard practice, for example:

   a. electric shock applied to the body;

   b. extremely loud auditory stimuli;

   c. forcible introduction of foul substances to the mouth, eyes, ears, nose, or skin;

   d. placement in a tub of cold water or shower;

   e. slapping, pinching, hitting, or pulling hair;

   f. blindfolding or other forms of visual blocking;

   g. unreasonable withholding of meals;

   h. eating one's own vomit; or

   i. denial of reasonable access to toileting facilities.

The use of aversive procedures ~~in public schools~~ is prohibited.

## G. NOTICE, REPORTING, AND DOCUMENTATION

1. School personnel~~staff will~~shall promptly notify the principal or designee of any of the following:

   a. any use of aversive procedures;

   b. any prohibited use of mechanical restraint;

   c. any use of physical restraint resulting in observable physical injury to a student;

   d. any prohibited use of seclusion; or

   e. any seclusion exceeding 10 minutes or ~~beyond~~ the amount of time specified ~~on~~ in a student's behavior intervention plan.

2. Notice to Parents

When a principal or designee has personal or actual knowledge of any of the events listed in subsection G.1, above, he or she shall promptly notify the student's parent or guardian and shall provide the name of the school employee whom the parent or guardian may contact regarding the incident. Such notice shall be provided by the end of the workday during which the incident occurred when reasonably possible, but no later than the end of the following workday. Such notice also shall be provided in addition to the written incident report required in subsection G.3, below.

3. Written Report to Parents

Within a reasonable period of time not to exceed 30 days after ~~the~~any incident involving the use of physical restraint, mechanical restraint, seclusion, isolation, or aversive procedures, the principal or designee shall ~~also~~ provide the parent or guardian with a written incident report. This report must include the following:

a. the date, time of day, location, duration, and description of the incident and interventions;

b. the events or events that led up to the incident;

c. the nature and extent of any injury to the student; and

d. the name of a school employee the parent or guardian can contact regarding the incident.

4. Reporting to State Board

The board will maintain a record of incidents reported under the procedure described in subsection G.3, above, and will provide this information annually to the State Board of Education.

5. Non-Retaliation for Reporting

Any employee making a report alleging a prohibited use of physical or mechanical restraint, seclusion, or aversive procedure will not~~NOT~~ be discharged, threatened, or retaliated against through compensation, terms, conditions, location, or privileges of employment ~~by any local board of education or any employee~~ unless the employee knew or should have known that the report was false.

Adopted:

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

## A. ANNUAL NOTIFICATION OF RIGHTS

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

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

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

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

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

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

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

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

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

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

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

## B. DEFINITION OF PARENT AND ELIGIBLE STUDENT

1. Parent

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

2. Eligible Student

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

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

## C. CLASSIFICATION AND MAINTENANCE OF RECORDS

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

1. Cumulative Records

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

attendance records; withdrawal and reentry records; discipline records; honors and activities; class rank; date of graduation; and follow-up records.

2. Discipline Records

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

3. Records of Students with Disabilities

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

4. Records Received from the Department of Social Services

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

5. Juvenile Records

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

Juvenile records will be used only to protect the safety of or to improve the educational opportunities for the student or others. The principal may share

juvenile records with individuals who have (a) direct guidance, teaching, or supervisory responsibility for the student and (b) a specific need to know in order to protect the safety of the student and others. Persons provided access to juvenile records must indicate in writing that they have read the document(s) and agree to maintain confidentiality of the records.

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

6. Other Student Records

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

7. Sole Possession, Employment, and Law Enforcement Records

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

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

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

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

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

Students or parents enrolled ~~Records of students participating~~ in the North Carolina Address Confidentiality Program (NCACP) must provide a valid NCACP authorization card to the school principal if they wish to keep their home address confidential. The school system will maintain a confidential record of the actual home address for admission and assignment purposes only and will not release that address except as provided by law. With the exception of such specially-maintained records, student records will include ~~show~~ only the substitute address provided by the NCACP ~~Address Confidentiality Program~~ and not the actual home address of any students or parents for whom a valid NCACP authorization card is on file. ~~and must not be released to any third party other than a school to which the student is transferring, or as otherwise provided by law.~~

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

## E. RECORDS OF MISSING CHILDREN

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

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

## F. RECORDS OF MILITARY CHILDREN

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

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

1. For Students Leaving the School System

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

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

2. For Students Enrolling in the School System

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

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

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

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

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

## H. RELEASE OR DISCLOSURE OF RECORDS TO OTHERS

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

1. Release/Disclosure with Parental Consent

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

2. Release/Disclosure without Parental Consent

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

~~When p~~Personally identifiable information from a student's record ~~is~~ may be released or disclosed to someone other than a parent or eligible student without prior written consent of the parent or eligible student only as specifically provided by federal law. Except as otherwise permitted by federal law, when personally identifiable information from a student's record is released or disclosed to someone other than a parent or eligible student without their written consent, the party to whom the information is released must agree not to disclose the information to any other party without the prior written consent of the parent or eligible student. ~~This restriction does not apply to the release of directory information, release of information to parents of non-eligible students, release of information to parents of dependent students, or release of information in accordance with a court order or subpoena.~~

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

3. Release of Directory Information

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

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

(1) name;

(2) address;

(3) telephone listing;

(4) electronic mail address;

(5) photograph;

(6) date and place of birth;

(7) participation in officially recognized activities and sports;

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

(9) dates of attendance;

(10) grade level;

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

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

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

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

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

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

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

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

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

4. Records of Students with Disabilities

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

5. Disclosure of De-Identified Information

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

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

## I. WITHHOLDING RECORDS

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

## J. RECORD OF ACCESS AND DISCLOSURE

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

## K. DESTRUCTION OF STUDENT RECORDS

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

## L. LONGITUDINAL DATA SYSTEM

School system administrators will comply with the data requirements and implementation schedule for the North Carolina Longitudinal Data System (NCLDS) and will transfer designated student record data to the system in accordance with the NCLDS data security and safeguarding plan and all other requirements of state law, provided that doing so does not conflict with the requirements of FERPA.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g, h, 34 C.F.R. pt. 99; Individuals with Disabilities Education Act, 20 U.S.C. 1411 *et seq.*; Elementary and Secondary Education Act, 20 U.S.C. 7908; McKinney-Vento Homeless Assistance Act, 42 U.S.C. 11431 *et seq.*; G.S. 7B-302, -3100; 14-208.29; 115C-47(26), -109.3, -402, -403, -407.5; 116E-6; *Records Retention and Disposition Schedule for Local Education Agencies*, N.C. Department of Natural and Cultural Resources (1999), available at http://archives.ncdcr.gov/For-Government/Retention-Schedules/Local-Schedules

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

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

# AUTOMATED PHONE AND TEXT MESSAGING *Policy Code:* **5008**

Automatic telephone dialing systems ("autodialers") and short message service text messages ("text messages") can be used to communicate valuable information to students, parents, and the community regarding emergencies and other school-related matters. The superintendent and his or her designees are authorized to use system-wide and school-wide autodialers and text messages to send pre-recorded voice messages or text messages to members of the school community in accordance with applicable law and this policy.

## A. DEFINITIONS AND TERMS

1. As used in this policy, "call(s)" and "autodialed call(s)" means a pre-recorded telephone message or a text message, when either is made using an automatic telephone dialing system.

2. "Automatic telephone dialing system" or "autodialer" means equipment which has (i) the capacity to store and produce telephone numbers to be called using a random or sequential number generator or a fixed set of numbers; and (ii) the capacity to dial such numbers.

## B. AUTHORIZED USES OF AUTODIALED CALLS

School officials may make autodialed calls for emergency or informational purposes as follows:

1. Emergency Calls:

   a. School officials may call parents, guardians, or school personnel when the call is incident to a bona fide emergency potentially affecting the health and safety of students and/or school personnel, such as weather closures, fire, health risks, threats, and unexcused absences;

   b. School officials may call other members of the school community to make emergency public safety announcements when the announcements are relevant to the called party.

2. Informational Calls

   School officials may call parents, guardians, or school personnel for non-emergency purposes when the call is closely related to the school's educational mission, such as to provide notification of official system-wide or school-specific events or activities (e.g., parent-teacher conferences, surveys on school-related issues, immunization reminders).

## C. PROHIBITED USES

1. Autodialed calls may not be used for commercial advertisement or marketing, political campaigning or promotion, or any other non-emergency purpose that is not closely related to the mission of the school or school system, without the express prior consent of the recipient to receive calls of that nature.

2. Autodialed calls may not be made for any non-emergency purpose to an individual who has notified the school that he or she does not wish to receive such calls.

## D. CONSENT AND REVOCATION OF CONSENT

1. Before making any non-emergency autodialed call, school personnel must have consent from the recipient to receive such calls. Consent will be deemed to have been provided in certain situations, as described in the next paragraph. Consent is not required for emergency calls.

2. By providing a telephone contact number to the school system, parents, guardians, and school personnel are deemed to consent to receive non-emergency calls at that number for purposes that are closely related to the school's educational mission and consistent with this policy, such as to provide notification of official system-wide or school-specific events or activities.

3. Parents, guardians, and school personnel may revoke prior consent to receive non-emergency calls at any time. School officials shall honor revocation requests promptly.

## E. MAINTAINING CONTACT INFORMATION

To minimize the risk of calling unintended recipients, the superintendent shall require principals and supervisors to update telephone contact information for parents, guardians, and employees on a regular basis.

## F. REQUESTS FOR REMOVAL FROM CALLING LISTS

All autodialed calls must include an automated voice-interactive or key-press activated opt-out method for the recipient to opt out of future nonemergency calls.

Legal References: 47 U.S.C. 227, 47 C.F.R. 64.1200; *In re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Declaratory Ruling,* CG Docket No. 02-278, FCC 16-88 (Aug. 4, 2016), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-16-88A1.pdf; *In re: Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Declaratory Rule and Order*, CG Docket No. 02-278, WC Docket No. 07-135, FCC 15-72 (July 10, 2015), available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-72A1.pdf

Cross References: School Safety (policy 1510/4200/7270), Schools and the Community (policy

5000), Emergency Closings (policy 5050)

Adopted:

## A. GENERAL PRINCIPLES

The board endorses the goals of the Community Schools Act. The use of school facilities by community groups should be consistent with the educational program and the goals and objectives of the board and school system.

Priority for facility use shall be given to community groups as outlined in Section B. For-profit groups are not permitted to use school facilities.

Use of school facilities shall not be approved for activities that do any of the following:

1. violate federal, state or local laws;
2. violate board of education policies or regulations;
3. advocate imminent violence;
4. damage or have the potential to damage school buildings, grounds or equipment; or
5. are in conflict with scheduled school activities.

## B. PRIORITY IN USE/FEE STRUCTURE

School-sponsored groups and activities (such as school athletic events and school drama and choral productions) and meeting of student organizations, including organizations permitted to meet under the Equal Access Act, shall have first priority in the use of school facilities.

Priority in the use of school facilities by other groups and the fee structure for such groups will be in accordance with the following user categories. Priority in use among groups within the same user category shall not be based upon the viewpoints of the groups (see policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying). All groups within the same user category shall be charged for facility use according to the uniform fee structure.

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

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

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

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

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

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

Fee Schedule (Standard):

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

## C. REQUESTS FOR USE OF FACILITIES

An eligible individual or group that wishes to apply for permission to use a school facility must submit a written application to the principal of the school where the facility is located. Facility use request forms shall be available in the school administrative office.

## D. FACILITIES AVAILABLE FOR USE

The board permits eligible individuals or groups to use the facilities of those schools designated by the board as "community schools". A list of community schools and the facilities at each site that are available for community use shall be available to the public at the superintendent's office and each principal's office.

The superintendent is authorized to develop a list of which school facilities are available for community use. Among the types of facilities that may be available for community use are: auditoriums, athletic fields, dining areas, kitchens, designated classrooms, gymnasiums, media centers and playgrounds.

Other school facilities may be used only in exceptional circumstances based on a justified need and as approved by the superintendent or designee. The superintendent is authorized to determine the fees for the use of facilities in such circumstances.

## E. RULES GOVERNING USE OF SCHOOL FACILITIES

The superintendent shall develop regulations consistent with this policy. The regulations shall include an application process and provisions regarding supervision of groups using facilities, care of facilities, prohibited conduct and other issues deemed appropriate by the superintendent. A copy of the regulations shall be furnished to all applicants at the time they receive the facilities use application form. In addition to the regulations established by the superintendent, users of school facilities must comply with the following rules:

1. Users must comply with all federal, state and local laws and all rules established by the board, the superintendent or designee, and the principal

2. Users must comply with the requirements of the American With Disabilities Act (ADA) (particularly Subchapter III pertaining to Public Accommodations and Services Operated by Private Entities) and the federal regulations that have been Adopted for the implementation of the ADA.

3. Users must comply with board policy and legal requirements forbidding the use of tobacco products in school facilities and on school grounds (see policy 5026/7250, Smoking and Tobacco Products).

4. Users shall not consume or possess alcohol or drugs on school grounds (see policy 5025, Prohibition of Alcoholic Beverages).

5. Users shall not possess weapons or explosives while on schools grounds,except in the limited circumstances permitted by state law and (policy 5027/7275, Weapons and Explosives Prohibited).

6. Users are responsible for supervising their activity and the people present at their activity. Users are responsible for maintaining order and safety during the activity.

7. Any violation by a user of the provisions of this policy or any applicable regulations shall be grounds for the suspension of the user's privilege to use school facilities for such period of time as deemed appropriate by the principal, subject to the review of the superintendent and the board of education.

## F. DAMAGES AND LIABILITY INSURANCE

Users of school facilities are responsible for all damage to school facilities, property or equipment that occurs while the facility is being used by the group, regardless of who caused the damage. Users also are responsible for the conduct of all persons involved in the users' activities while on school property.

## G. TERM AND ACCEPTANCE OF LEASE

The superintendent is authorized to enter into agreements with community groups for the lease of school property for terms of one year or less. All such leases must be reviewed and approved in advance by the board attorney. The superintendent shall inform the board of the execution of any lease at its next regularly scheduled meeting. Leases may be renewed following the same process.

Absent unusual circumstances, leases shall not be granted for a term longer than one year. A lease for more than one year must be approved in advance by the board.

## H. REVIEW OF DECISIONS CONCERNING USE OF SCHOOL FACILITIES

Any person or organization may request a review of any decision made by a school employee pursuant to this policy in accordance with policy 1740/4010, Parent and Student Grievance Procedure.

Legal References: Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.;* 28 C.F.R. pt. 35; Equal Access Act, 20 U.S.C. 4071-4074, 28 C.F.R. pt. 36; Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, 34 C.F.R. pt. 108; 36 U.S.C. 20101 *et seq.*; Community Schools Act, G.S. ~~14-269-2~~;115C-203 to -209.1;115C -524. -527; 160A-274; 163-129

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Parent and Student Grievance Procedure (policy 1740/4010), Prohibition of Alcoholic Beverages (policy 5025), Smoking and Tobacco Products (policy 5026/7250), Weapons and Explosives Prohibited (policy 5027/7275), Sale, Disposal and Lease of Board-Owned Real Property (policy 9400)

Adopted: April 10, 2000
Updated: June 1, 2009
Updated: November 4, 2010
Updated: April 3, 2012
Updated: April 11, 2016
Updated: April 11th, 2016
Updated:

The board recognizes that it is important for students to maintain their physical health and receive proper nutrition in order to take advantage of educational opportunities. The board further recognizes that student wellness and proper nutrition are related to a student's physical well-being, growth, development, and readiness to learn. The board is committed to providing a school environment that promotes student wellness, proper nutrition, nutrition education, and regular physical activity as part of the total learning experience. As part of that commitment, the board directs the superintendent to oversee the development, implementation, and ongoing evaluation of this policy and other school system efforts to encourage students to be healthy and active, including compliance with the State Board of Education's Healthy Active Children Policy, ~~HRS-E-000~~SHLT-000, as further described in Section F, below. The superintendent may designate a school system official to carry out this responsibility ("lead wellness official").

The superintendent or designee shall make the most current version of this policy available to members of the school community and the public by posting it on the school system website and/or by distributing it annually through other means reasonably intended to reach the school community and public. In addition, the superintendent or designee shall provide a copy of this policy to the North Carolina Department of Public Instruction (NCDPI) ~~each time it is revised by the board~~when requested to do so.

## A. SCHOOL HEALTH ADVISORY COUNCIL

The board will maintain a school health advisory council to help plan, update, implement, promote, and monitor this policy as well as to address other health and nutrition issues within the school district ~~system~~. The council serves as an advisory committee regarding student health issues and works in conjunction with the lead wellness official charged with oversight of this policy and the school system's efforts to promote student and employee health and wellness in compliance with state and federal requirements. The council is authorized to examine related research and laws, assess student needs and the current school environment, review existing board policies and administrative regulations, collaborate with appropriate community agencies and organizations, and help raise awareness about student health issues. The council also may make policy recommendations to the board related to this policy and other policies concerning student wellness and in conjunction with the lead wellness official, shall periodically-suggest ~~review~~ and suggest revisions to this policy.

In addition, the council may assist in the development of a plan for measuring and assessing implementation of this policy and in developing methods to inform and update the public about the content and implementation of this policy as described in Sections F and G, below.

The council will be composed of representatives from the school district ~~system~~, the local health department, and the community. The council must include members of each of the following groups: the school board, school system administrators, school ~~system food~~

~~service~~ nutrition representatives, physical education teachers, school health professionals, students, parents or guardians, and the public. The council will provide information to the board about the following areas or concerns: ~~safe environment,~~ (1) physical activity~~education~~, (2) health education, ~~staff~~ (3) employee wellness, (4) health services, ~~mental~~ (5) social and emotional climate~~health~~, (6) nutrition environment and services, ~~and family/~~(7) counseling, psychological, and social services, (8) physical environment, (9) family engagement, and (10) community involvement.

The council shall provide periodic reports to the board and public regarding the status of its work. In addition, the council shall assist the lead wellness official in creating an annual report ~~that~~ which includes the minutes of physical activity and the minutes of physical education and/or healthful living education received by students in the district ~~system~~ each school year, ~~as well as~~ and any other information required by the State Board of Education or NCDPI.

## B. NUTRITION PROMOTION AND NUTRITION EDUCATION

The board believes that promoting student health and nutrition enhances readiness for learning and increases student achievement. The general goals of nutrition education ~~promotion~~ and nutrition education are (1) to provide appropriate instruction for the acquisition of behaviors that contribute to a healthy lifestyle for students and (2) to teach, encourage, and support healthy eating by students.

The board will provide nutrition education within the Healthful Living Standard Course of Study and the grade level expectations outlined in the Healthful Living Essential Standards adopted by the State Board of Education. Nutrition education ~~should be designed to~~ will provide all students with the knowledge and skills needed to lead healthy lives. Students should learn to address nutrition-related health concerns through age-appropriate nutrition education lessons and activities.

Nutrition education and promotion should extend beyond the school environment by engaging and involving families and communities. School district ~~system~~ personnel may coordinate with agencies and community organizations to provide opportunities for appropriate student projects related to nutrition. School district ~~system~~ personnel ~~are to~~ will work to disseminate and promote consistent nutrition messages throughout the school district ~~system~~, schools, classrooms, school dining areas~~cafeterias~~, homes, community, and media.

In conjunction with the school health advisory council, the board establishes the following additional specific evidence-based goals and strategies for nutrition promotion and education. The board will periodically measure and report progress toward meeting these goals.

## C. NUTRITION STANDARDS AND GUIDELINES FOR ALL FOOD AND BEVERAGES AVAILABLE AT SCHOOL

Consistent with policy 6200, Goals of School Nutrition Services, all foods available in the system's schools during the school day that are offered to students should help promote student health, reduce childhood obesity, provide a variety of nutritional meals, and promote lifelong healthy eating habits. All foods and beverages sold at school must meet the nutrition standards established in policy 6230, School Meal and Competitive Foods Standards, including the following:

1. School Lunch, Breakfast, and Snack Programs

   Foods provided through the National School Lunch, School Breakfast, or After School Snack Programs must comply with federal and state nutrition standards. The director of child nutrition shall ensure that school system guidelines for reimbursable meals are not less restrictive than regulations and guidelines issued for schools in accordance with federal law.

2. Competitive Foods

   All foods sold on school campuses in areas that are accessible to students during the school day (defined as the period from midnight through 30 minutes after the dismissal bell rings) in competition with the National School Lunch or School Breakfast Programs ("competitive foods") must comply with the federal Smart Snacks in Schools standards. Competitive foods include food, snacks, and beverages from a la carte menus, vending machines, and outside suppliers, as well as foods or beverages sold in school stores and at fund-raisers. Vending machine sales also must comply with the requirements of G.S. 115C-264.2 and *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*.

3. Other Foods Available on the School Campus During the School Day and After the School Day

   School principals ~~may~~ shall establish rules for foods and beverages brought from home for classroom events or parties during the school day or for extracurricular activities after the school day. The board encourages principals to establish rules that are consistent with the Smart Snacks in Schools standards.

   Fundraising activities that involve the sale of foods and/or beverages to students during the school day (from midnight until 30 minutes after the dismissal bell rings) must comply with the Smart Snack Rules and may not be conducted until after the end of the last lunch period. See policy 6230, School Meal and Competitive Foods Standards.

   School principals may establish standards for fund-raising activities conducted after the school day (beginning 31 minutes after the dismissal bell rings) that

involve the sale of food and/or beverages. The board encourages alternative fundraising activities such as non-food items or physical activity.

4. Food and Beverage Marketing

Food and beverage marketing on school campuses during the school day must meet federal and state standards. In accordance with these standards, only foods and beverages that meet the Smart Snack standards (as described in subsection C.2, above) may be marketed or advertised on school campuses during the school day. To comply with this requirement, existing supplies, materials, or equipment that depict noncompliant products or logos will be replaced or removed in accordance with normal lifecycles or as otherwise would occur in the normal course of business.

## D. PHYSICAL EDUCATION AND PHYSICAL ACTIVITY

1. Goals of the Physical Education Program

The goal of the physical education program is to promote lifelong physical activity and provide instruction in the skills and knowledge necessary for lifelong participation in physical activity. To address issues such as overweight, obesity, cardiovascular disease, and Type II diabetes, students enrolled in kindergarten through eighth grade ~~must have the opportunity to~~ will participate in physical activity as part of the district's ~~system's~~ physical education curriculum. The goal for elementary schools is to provide 150 minutes weekly of quality physical education with a certified physical education teacher. The goal for middle schools is to provide 225 minutes weekly of Healthful Living Education, divided equally between health and physical education with certified health and physical education teachers.

2. The Physical Education Course

The physical education course ~~should be designed to~~ will foster support and guidance for being physically active, help students know and understand the value of being physically fit, and teach students the types of activities that contribute to total fitness. The course ~~is to~~ will be taught in an environment where students can learn, practice, and receive assessment on developmentally appropriate skills ~~and knowledge~~ as defined in the North Carolina Healthful Living Standard Course of Study. Students should be engaged in moderate to vigorous physical activity for fifty percent or more of class time. Class for physical education should be equivalent in size to those of other academic classes.

3. Physical Activity Requirements and Goals

School personnel should strive to provide opportunities for age- and developmentally-appropriate physical activity during the day for all students so that

students can learn how to maintain a physically active lifestyle. Schools must provide a minimum of 30 minutes of moderate to vigorous physical activity daily for kindergarten through eighth-grade students. Such activity may be achieved through a regular daily physical education class as described in Sections D.1 and D.2 above, or through recess, dance, classroom energizers and/or other curriculum-based physical activity programs of at least 10 minutes duration, that, when combined, total 30 minutes of daily physical activity. Principals shall work with teachers to ensure that students meet the minimum physical activity requirement. The board will periodically measure and report progress toward meeting these goals.

To ensure that students have ongoing opportunities for physical activity and maintain a positive attitude towards physical activity, structured/unstructured recess and other physical activity may not be taken away from students as a form of punishment. In addition, severe and inappropriate exercise may not be used as a form of punishment for students.

In conjunction with the school health advisory council, the board establishes the following additional specific evidence-based goals and strategies for physical activity:

## E. OTHER SCHOOL-BASED ACTIVITIES TO PROMOTE WELLNESS

In addition to the ~~standards discussed above the~~ aforementioned standards, the board adopts the following goals for school-based activities designed to promote wellness:

1. Schools will provide a clean and safe meal environment.

2. Students will be provided adequate time to eat meals.

3. Drinking water will be available at all meal periods and throughout the school day.

4. Professional development will be provided for school system nutrition staff.

5. To the extent possible, the school system will utilize available funding and outside programs to enhance student wellness.

6. Food will not be used in the schools as a reward or punishment.

7. As appropriate, the goals of this wellness policy will be considered in planning all school-based activities.

8. Administrators, teachers, school nutrition personnel, students, parents or guardians, and community members will be encouraged to serve as positive role models to promote student wellness.

## F. IMPLEMENTATION AND REVIEW OF POLICY

1. Oversight and Monitoring of Implementation and Progress

The lead wellness official, in conjunction with the school health advisory council, shall oversee the implementation of this policy and monitor system schools, programs, and curricula to ensure compliance with and to assess progress under this policy, related policies, and established guidelines or administrative regulations. Each principal shall be responsible for and shall report to the lead wellness official regarding compliance and measurements of progress in his or her school. Staff members responsible for programs related to student wellness also shall report to the lead wellness official regarding the status of such programs.

2. Review of Policy

The lead wellness official shall work with members of the school health advisory council to periodically review and update this policy based on ~~an~~the triennial assessment of the school system's compliance with the policy (see subsection F.4, below), progress toward meeting the policy goals, and other relevant factors. The lead wellness official shall document the review process and participants, and the method used to notify the school health advisory council and/or other stakeholders of their ability to participate.

3. Annual Reporting

~~a.~~ The lead wellness official shall prepare annual written reports to the superintendent and NCDPI/State Board of Education that ~~describe the school system's progress towards achieving the goals established in this policy and that~~ provide all ~~other~~ information required by the superintendent and/or the ~~State Board of Education~~state pertaining to the school system's efforts to comply with this policy and SBE policy ~~HRS-E-000~~SHLT-000. ~~This information shall be provided to the public as provided in Section G, below.~~

4. Triennial Assessment

~~b.~~ Beginning with school year 2017-18, and at least once every three years thereafter, ~~T~~the superintendent or designee shall report ~~annually~~ to the board and public on the system's compliance with laws and policies related to student wellness, the implementation of this policy, and progress toward meeting the goals of the policy. At a minimum, the superintendent or designee shall measure and report the following:

1) the extent to which the individual schools are in compliance with this policy;

2) the extent to which the board's wellness policy compares to model local school wellness policies and meets state and federal requirements; and

3) a description of the ~~each school's~~ progress made in attaining the goals of this policy. ~~and a summary of the school's activities undertaken in support of the policy goals.~~

The report may also include the following items:

4) a summary of each school's activities undertaken in support of the policy goals;

~~4)~~5) an assessment of the school environment regarding student wellness issues;

~~5)~~6) an evaluation of the school nutrition services program;

7) a review of all foods and beverages sold in schools for compliance with established nutrition guidelines;

~~6)~~8) a review of guidelines for foods and beverages available, but not sold, during the school day, as described in subsection C.3, above;

~~7)~~9) information provided in the report from the school health advisory council, as described in Section A, above; and

~~8)~~10) suggestions for improvement to this policy or other policies or programs.

## G. PUBLIC NOTIFICATION

1. The school system will publish contact information for the lead wellness official on the school system website.

2. The lead wellness official shall assist the school health advisory council with~~to~~ annually informing and ~~update~~ updating the public about this policy and its implementation and State Board policy ~~HRS-E-000~~SHLT-000.

3. The superintendent or designee shall make public the results of the triennial assessment described in subsection F.4 of this policy. ~~The information provided must include the content of the policies and the school system's efforts and progress in implementing, evaluating, and complying with the policies.~~

4. All information required to be reported under this section and any additional

information required by the state to be reported publicly ~~annually or that is otherwise reported to the board in accordance with Section F, above~~ shall be widely disseminated to students, parents, and the community in an accessible and easily understood manner, which may include ~~including~~ by posting ~~a copy of this policy and the annual report~~ on the school system website.

## H. RECORDKEEPING

The superintendent shall maintain records to document compliance with this policy and all federal and state requirements. These records, at a minimum, must include:

1. a written copy of this policy and any updates;

~~2. documentation demonstrating compliance with all reportable elements of this policy and with the community involvement requirements, including requirements to make this policy and other progress reports available to the public; and~~

2. the most recent triennial assessment for each school;

3. documentation demonstrating:

   a. the efforts to review and update this policy, as described in subsection F.2 of this policy;

   b. how this policy and information about the most recent triennial assessments have been made available to the public, as described in Section G;

   c. compliance with the annual reporting requirements of subsection F.3; and

   d. other efforts to involve the school health advisory council and/or other community members in the implementation of or assessment of compliance with this policy.

~~3. documentation of annual wellness policy reports for each school in the system.~~

Legal References: Child Nutrition and WIC Reauthorization Act of 2004, 42 U.S.C. 1751; Healthy, Hunger-Free Kids Act of 2010, P.L. 111-296; National School Lunch Act, 42 U.S.C. 1751 *et seq.*; 7 C.F.R. 210.11, ~~and~~ 210.12~~a~~, and 210.31; G.S. 115C-264.2, -264.3; State Board of Education Policies ~~HRS-E-000~~SHLT-000, ~~TCS-S-000~~CHNU-000, ~~TCS-S-002~~CHNU-002; *Eat Smart: North Carolina's Recommended Standards for All Foods in Schools*, N.C. Department of Health and Human Services, N.C. Division of Public Health (2004)

Cross References: Goals of Student Health Services (policy 6100), Goals of School Nutrition Services (policy 6200), School Meal and Competitive Foods Standards (policy 6230)

Adopted: March 13, 2006

Updated: February 2, 2010
Updated: April 3, 2012
Updated: June 3, 2013
Updated: December 8, 2014
Updated:

Student transportation services will be made available in a manner consistent with the board goals set out in policy 6300, Goals of Student Transportation Services. ~~The first priority is to provide transportation to and from school to eligible students.~~

## A. ~~OTHER~~ SCHOOL SYSTEM TRANSPORTATION SERVICES

The first priority of the school system transportation services is to provide eligible students transportation to and from school. The school system may make other ~~Other~~ transportation services ~~may be made~~ available as funding permits and in accordance with legal requirements, ~~and~~ board policy, and the following standards. ~~In particular, the board establishes the following possible uses of other transportation services.~~

1. ~~State-operated~~ Yellow school buses may be used for instructional programs directly related to the curriculum when the trip and use of the bus are approved in accordance with board policy.

2. Yellow ~~S~~school buses may be used only for purposes expressly allowed by G.S. 115C-242.

3. Yellow ~~S~~school buses may not be used for athletic activities or extracurricular activities.

4. Activity buses and other vehicles meeting federal safety standards may be used for travel to athletic activities and travel to other approved school-related activities. In addition to students receiving regular school bus safety training, safety instruction will be provided to students traveling on activity buses or commercial buses as needed.

5. The board encourages the superintendent and principals to provide transportation services to enable students at risk of not meeting promotion standards to take advantage of additional or enhanced opportunities for learning.

## B. SPECIAL USE OF SCHOOL BUSES

The board may authorize special uses of yellow school buses as provided by G.S. 115C-242 and 115C-~~243~~254 and of activity buses and yellow school buses as provided by G.S. 115C-243 and 115C-247. The board may also authorize the special use of activity buses for the purposes described in G.S. 66-58(c)(9b).

The superintendent shall present to the board any requests for special uses and the statutory support for allowing such authorization.

## C. TRANSPORTATION FOR ~~SPECIAL NEEDS~~ STUDENTS WITH DISABILITIES

A student who is identified as having a disability ~~special needs~~ following procedures in the North Carolina *Policies Governing Services for Children with Disabilities* will be provided with transportation services as required by law. When the school system's transportation services are unable to provide transportation for a student with a disability~~special needs students~~, the board may contract with public or private carriers to provide this service, pursuant to policy 6340, Transportation Service/Vehicle Contracts.

Legal References: Individuals with Disabilities Education Act, 20 U.S.C. 1400 *et seq.*; 49 U.S.C. 30125, 30165; G.S. 66-58(c)(9a) and (9b); 115C-239, -242, -243, -247, -254~~; G.S. 66-58(c)(9a) and (9b)~~; *Policies Governing Services for Children with Disabilities*, State Board of Education Policy ~~GCS-D-000~~ EXCP-000; State Board of Education policies ~~TCS-H-000~~TRAN-000, -006; Memorandum to All Superintendents from Eddie M. Speas, Jr., Special Deputy Attorney General, January 14, 1988, available at http://www.ncsba.org/wp-content/uploads/2017/03/AG-Memo-1988.pdf

Cross References: School Trips (policy 3320), Goals of Student Transportation Services (policy 6300), Safety and Student Transportation Services (policy 6305), Transportation Service/Vehicle Contracts (policy 6340)

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

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

For all purchases and contracts valued at $1,000 or more, the board will require the service provider to certify that it is not listed on the state treasurer's "Final Divestment List" or "Iran Parent and Subsidiary Guidance," as required by G.S. 147, Article 6E, and that it will not engage subcontractors who are on either list.

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

Legal References: G.S. 115C-36; 143-64.31; 147, art. 6E

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

Adopted: April 10, 2000
Updated: June 6, 2016

# PROFESSIONAL EMPLOYEES: DEMOTION AND DISMISSAL

*Policy Code:* **7930**

The board recognizes that an effective professional staff is critical to the smooth operations of the school system and to creating a learning environment where students are able to succeed. The board expects all professionally licensed employees, whether employed pursuant to a contract or through continuing career status, to exemplify above-average performance in carrying out their teaching or other professional responsibilities. Such employees are expected to continue to strive for excellence, meet all performance standards established by the board, and pursue professional development as provided in policy 1610/7800, Professional and Staff Development. Any professionally licensed employee who is unable or unwilling to meet the performance expectations or other reasonable standards of the board may be subject to demotion or dismissal as provided in this policy.~~When a licensed employee is unable or unwilling to meet performance expectations, the supervisor and superintendent should consider whether dismissal or demotion is appropriate.~~

Evaluators of licensed employees are expected to follow policy 7810, Evaluation of Licensed Employees, policy 7820, Personnel Files, and policy 7811, Plans for Growth and Improvement of Licensed Employees. Evaluators of career and probationary employees should provide the superintendent with carefully documented evidence concerning a person's inadequacies and lack of competencies when such deficiencies have led to the recommendation and contemplation of dismissal or demotion. These documents also should show ways in which the evaluator has endeavored to help the employee become a more effective professional. In the interest of students and the welfare of the school system, dismissal or demotion may be pursued regardless of whether the evaluator has met these expectations and regardless of whether the employee has first been placed on a growth plan or mandatory improvement plan, so long as the legal grounds for seeking dismissal or demotion can be sufficiently demonstrated.

All legally required procedures, including those prescribed in the applicable state law, will be followed in the dismissal or demotion of career and probationary employees . Career status teachers, non-career status teachers during the terms of their contracts, and school administrators during the terms of their contracts may be dismissed only for the following reasons:

1. inadequate performance, as defined by the applicable state statute;

2. immorality;

3. insubordination;

4. neglect of duty;

5. physical or mental incapacity;

6. habitual or excessive use of alcohol or non-medical use of a controlled substance as defined in Article 5, Chapter 90 of the General Statutes;

7. conviction of a felony or a crime involving moral turpitude;

8. advocating the overthrow of the government of the United States or of the state of North Carolina by force, violence, or other unlawful means;

9. failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes;

10. failure to comply with such reasonable requirements as the board may prescribe;

11. any cause that constitutes grounds for the revocation of an employee's teaching or school administrator license;

12. a justifiable decrease in the number of positions due to school system reorganization, decreased enrollment, or decreased funding, provided that there is full compliance with other statutory requirements;

13. failure to maintain one's license in current status;

14. failure to repay money owed to the state in accordance with the provisions of Article 60, Chapter 143 of the General Statutes; and

15. providing false information or knowingly omitting a material fact on an application for employment or in response to a pre-employment inquiry.

Resignation by a teacher who has been recommended for dismissal under the applicable state statute is subject to the provisions of policy 7900, Resignation.

Legal References: G.S. 90 art. 5; 115C-287.1, -307, -325 (applicable to career status teachers), -325.1 *et seq.* (applicable to non-career status teachers), -333, -333.1; 143 art. 60; 16 N.C.A.C. 6C .0502

Cross References: Professional and Staff Development (policy 1610/7800), Staff Responsibilities (policy 7300), Job Descriptions (policy 7400), Teacher Contracts (policy 7410), School Administrator Contracts (policy 7425), Evaluation of Licensed Employees (policy 7810), Plans for Growth and Improvement of Licensed Employees (policy 7811), Personnel Files (policy 7820), Resignation (policy 7900), Non-Career Status Teachers: Nonrenewal (policy 7950)

Adopted: May 1, 2000
Updated: April 6, 2009
Updated: March 3, 2010
Updated: December 5, 2011
Updated: June 2, 2014
Updated: