Montgomery County Schools

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TO: Board of Education

FROM: Kevin Lancaster

DATE: July 11, 2011

SUBJ: Agenda Item (Section V – Policies and Regulations)

Attached you will find the Montgomery County Board of Education policies to be voted on for final approval.

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

These are action items and will require a vote.

Safe schools are critical to creating a learning environment where students can succeed. Staff and students share the responsibility for taking reasonable precautions and following established safety measures to create and maintain safe schools. The following safety measures must be implemented at each school.

A. SUPERVISION OF STUDENTS

Students must be reasonably supervised while in the care and custody of the school system. This includes: during school hours, including while in class, between classes, on the playground and during recess or lunch periods, during authorized school field trips, and on school buses. Reasonable precautions should be taken to protect the safety of students on school grounds and on buses before, during and after school.

Students who are subject to policy 4260, Student Sex Offenders, and who are receiving educational services on school property must be supervised by school personnel at all times.

B. SUPERVISION OF VISITORS

School administrators shall strictly enforce policies 5015, School Volunteers, and ~~policy~~ 5020, Visitors to the Schools.

C. SAFETY OF SCHOOL BUILDINGS AND GROUNDS

The superintendent and each building principal shall comply with all duties set out for their respective positions in G.S. 115C-288(d) and G.S. 115C-525 to minimize fire hazards. The principal is required to inspect school buildings, playgrounds~~,~~ and equipment for health, fire and safety hazards on a regular basis, as required by law, and to notify the superintendent immediately of unsanitary conditions or repairs needed in order to meet safety standards.

Any employee who observes any potential hazards must notify the principal or the employee's supervisor immediately.

All warning systems must meet building and equipment codes required by law and must be properly maintained. When necessary, proper signs indicating potential hazards or recommended safety precautions must be posted.

D. ESTABLISHING PROCESSES TO ADDRESS POTENTIAL SAFETY CONCERNS AND EMERGENCIES

1. Safe Schools Plans

   Pursuant to G.S. 115C-407, each school must have a safe school plan that establishes procedures for addressing school safety. The safe school plan should be incorporated into the school improvement plan (see policy 3430, School Improvement Plan).

   The safe school plan must include a component designed to train appropriate school personnel in the management of disruptive or dangerous student behavior. The plan also must include procedures to evaluate the effectiveness of this training in preventing or addressing disruptive or dangerous student behavior. Implementation of this training component will be subject to the availability of funds appropriated for this purpose.

2. School Rules

   The principal or designee shall develop rules to help prevent accidents in school buildings, on school buses and on school grounds.

3. Training for Staff and Students

   Staff training must include detailed instruction on how to respond to a variety of emergency situations. In addition, staff should be able to recognize and respond to behavior, information and related indicators that warn of impending problems. School personnel must teach and review with students (1) safety procedures, including fire safety procedures; (2) precautions for handling chemicals or potentially dangerous equipment; and (3) appropriate responses to threats to school safety.

4. Safety Equipment

   School Employees shall provide students with safety equipment as required by law and shall enforce school rules pertaining to wearing safety equipment. School employees shall wear and use appropriate safety equipment as required for the safe performance of their specific job assignments.

5. Planning for Emergencies and Conducting Fire Drills and Other Emergency Drills

   The superintendent shall develop system-wide plans and procedures to address emergency situations. As appropriate, the superintendent shall consult with local law enforcement agencies and emergency responders to plan for and conduct emergency drills. The superintendent must provide local law enforcement and emergency management agencies with copies of floor plans of all school buildings and site plans showing campus boundaries and access points.

   Principals, with the assistance of both law enforcement and emergency responders as appropriate, shall conduct fire drills as required by law and shall conduct other emergency drills in accordance with schools system emergency plans and procedures.

6. Reporting Suspicious Behavior

   Students should notify any staff member of any acts of violence, harassment or bullying or any other unusual or suspicious behavior that may endanger safety. Ongoing student education efforts will aim at minimizing any fear, peer pressure, embarrassment or other impediments to students reporting potential problems.

   Maintaining a safe school environment that is conducive to learning requires staff to be proactive in dealing with violence, harassment and bullying. Staff members must report immediately to the principal any information reported by a student or their own observation of unusual or suspicious behavior or acts of violence, harassment or bullying.

   Every principal is required to investigate and act upon any reports of such behavior including, when appropriate, reporting criminal activities to law enforcement , the State Board and the superintendent or designee. (~~S~~see policies 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying, 1720/4015/7225, Discrimination, Harassment and Bullying Complaint Procedure, and 4335, Criminal Behavior).

7. Potential Threats of Registered Sex Offenders

   The principal of each school shall register with the North Carolina Sex Offender and Public Protection Registry to receive e-mail notification when

a registered sex offender moves within a one-mile radius of the school.

8. Student Behavior Standards

   Students are expected to meet behavior standards set forth in board policies.

Legal Reference: G.S. 14-208.18; 115C-36, -47, -81.4, -105.47, -166, -288, -307, -391, -391.1, -524, -525 State Board of Education Policies HRS-A-000, TCS-P-005

Cross Reference: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230, Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7335), School Improvement Plan (policy 3430), Student Sex Offenders (policy 4260), Student Behavior Policies (all policies in the 4300 series), School Volunteers (policy 5015), Visitors to Schools (policy 5020), Registered Sex Offenders (policy 5022), Weapons and Explosives Prohibited (policy 5025/7275), Public Records – Retention, Release and Disposition (policy 5070/7350, Relationship with Law Enforcement (policy 5120), Occupational Exposure to Hazardous Chemicals in Science Laboratories (policy 7265), Staff Responsibilities (policy 7300), Security of Facilities (policy 9220)

Other Resources: *Practical Information on Crisis Planning: A Guide for Schools and Communities,* U.S. Department of Education Office of Safe and Drug-Free Schools (January 2007); *Keeping North Carolina Schools Safe and Secure,* A Report to Governor Mike Easley from Attorney General Roy Cooper and Secretary of Crime Control and Public Safety Bryan Beatty (November 2006)

Adopted: March 6, 2000
Updated: July 1, 2009
Updated: August 2, 2010
Updated: January 19, 2011
Updated:

PROHIBITION AGAINST DISCRIMINATION, HARASSMENT AND BULLYING

Policy Code : **1710/4021/7230**

The board acknowledges the dignity and worth of all students and employees and strives to create as safe, orderly, caring and inviting school environment to facilitate student learning and achievement. The board will not tolerate any form of unlawful discrimination, harassment or bullying in any of its educational or employment activities.

A. PROHIBITED BEHAVIORS AND CONSEQUENCES

1. Discrimination, Harassment and Bullying

Students, school system employees, volunteers and visitors are expected to behave in a civil and respectful manner. The board expressly prohibits unlawful discrimination, harassment and bullying

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

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

Employees who violate this policy will be subject to disciplinary action, up to, and including, dismissal. Volunteers and visitors who violate this policy will be directed to leave school property and/or reported to law enforcement, as appropriate, in accordance with policy 5020, Visitors to the Schools.

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

2. Retaliation

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

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

B. APPLICATION OF POLICY

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

This policy applies to behavior that takes place:

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

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

3. at any bus stop;

4. during any school sponsored activity or extracurricular activity;

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

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

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

C. DEFINITIONS

For purposes of this policy, the following definitions will apply:

1. Discrimination

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

2. Bullying

   Harassment or bullying behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication that:

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

   (2) Creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

   "Hostile environment" means that the victim subjectively views the conduct as harassment or bullying and that the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is harassment or bullying. A hostile environment may be created through pervasive or persistent misbehavior or a single incident, if sufficiently severe. Harassment and bullying include, but are not limited to, behavior described above that is reasonable perceived as being motivated by any actual or perceived differentiating characteristic or motivated by an individual's association with a person who has or is perceived to have a differentiating characteristic such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental or sensory disability. Examples of behavior that may constitute bullying or harassment

include, but are not limited to, verbal taunts, name-calling and put-downs, epithets, derogatory comments or slurs, lewd propositions, exclusions from peer groups, extortion of money or possessions, implied or stated threats, assault, impeding or blocking movement, offensive touching or any physical interference with normal work or movement, and visual insults, such as derogatory posters or cartoons. Legitimate age-appropriate pedagogical techniques are not considered harassment or bullying.

It is possible for harassment, including sexual or gender-based harassment to occur in various situations. For example, harassment may occur: between fellow students or co-workers, between supervisors and subordinates, between employees and students, or between non-employees, including visitors, and employees or students. Harassment may occur between members of the opposite sex or the same sex.

a. Unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

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

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

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

Sexually harassing conduct includes, but is not limited to, deliberate, unwelcome touching that has sexual connotations or is of a sexual

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

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

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

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

E. TRAINING AND PROGRAMS

The board directs the superintendent to establish training and other programs that are designed to help eliminate unlawful discrimination, harassment and bullying and to foster an environment of understanding and respect for all members of the school community.

As funds are available, the board will provide additional training for students, employees and volunteers who have significant contact with students regarding the board's effort to address discrimination, harassment and bullying and will create programs to address these issues. The training or programs should (1) provide examples of behavior that constitutes

discrimination, harassment or bullying; (2) teach employees to identify groups that may be the target of discrimination, harassment or bullying; and (3) train school employees to be alert to locations where such behavior may occur, including locations within school buildings, at school bus stops, and on cell phones and the internet.

F. NOTICE

The superintendent is responsible for providing effective notice to students, parents and employees of the procedures for reporting and investigating complaints of discrimination, harassment and bullying. This policy must be posted on the school system website, and copies of the policy must be readily available in the principal's office, the media center at each school and the superintendent's office. Notice of this policy must appear in all student and employee handbooks and in any school system publication that sets forth the comprehensive rules, procedures and standards of conduct for students and employees.

G. COORDINATORS

The superintendent or designee shall publish the names, office addresses and phone numbers of the "Title IX coordinator" (for sex discrimination), and "Section 504 and ADA coordinator(s)" (for discrimination on the basis of disability) disability) in a manner intended to ensure that students, employees, applicants, employees, applicants, parents and other individuals who participate in the school system's programs are aware of the coordinators.

The coordinators shall coordinate the school system's efforts to comply with and carry out its Title IX, Section 504 and ADA responsibilities, which include investigating any complaints communicated to school officials alleging noncompliance with Title IX, Section 504 or the ADA or alleging actions which would be prohibited by those laws.

H. RECORDS AND REPORTING

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

discrimination, harassment and bullying.

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

I. EVALUATION

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

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.;* Americans With Disabilities Act, 42 U.S.C. 12101 *et seq*.,, 28 C.F.R. pt. 35; Rehabilitation Act of 1973, 29 U.S.C. 705 (20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d e*t seq.*, 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C, 2000e *et seq.*; 29 C.F.R. pt.1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq., 34* C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties,* U. S. Department of Education, Office for Civil Rights (2001); *Oncale v. Sundowner Offshore Services, 523 U.S. 75 (1998);*G.S. 115C-335.5, -407.9 through -407.12;126-16; State Board of Education Policy HRS-A-007

Cross References: Discrimination, Harassment and Bullying Complaint Procedure (policy 1720/4015/7225), Nondiscrimination on the Basis of Disabilities (policy 1730/4022/7231), Prohibition Against Retaliation (policy 1760/7280), School Plan for Management of Student Behavior (policy 4302), Visitors to the Schools (policy 5020), Professional Employees: Demotion and Dismissal (policy 7930), Classified Personnel: Suspension and Dismissal (policy 7940)

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Updated:

DISCRIMINATION, HARASSMENT AND BULLYING COMPLAINT PROCEDURE

Policy Code: **1720/4015/7225**

The board takes seriously all complaints of unlawful discrimination, harassment and bullying. The process provided in this policy is designed for those individuals who believe that they may have been discriminated against, bullied or harassed in violation of policy 1710/4021/7230, Prohibition Against Discrimination, Harassment and Bullying. Individuals who have witnessed or have reliable information that another person has been subject to unlawful discrimination, harassment or bullying also should report such violations to one of the school system officials listed in subsection C.1. of this policy. Reports may be made anonymously.

A. DEFINITIONS

1. Alleged Perpetrator

   The alleged perpetrator is the individual alleged to have discriminated against, harassed or bullied the complainant.

2. Complaint

   A complaint is an oral or written notification made by a person who believes he or she is the victim of unlawful discrimination, harassment or bullying.

3. Complainant

   The complainant is the individual complaining of being discriminated against, harassed or bullied.

4. Days

   Days are the working days, exclusive of Saturdays, Sundays, vacation days or holidays, as set forth in the school calendar. In counting days, the first day will be the first full working day following receipt of the complaint. When a complaint is submitted on or after May 1, time limits will consist of all weekdays (Monday–Friday) so that the matter may be resolved before the close of the school term or as soon thereafter as possible.

5. Investigative Report

   The investigative report is a written account of the findings of the investigation conducted in response to a complaint.

6. Investigator

The investigator is the school official responsible for investigating and responding to the complaint.

7. Report

A report is an oral or written notification that an individual, other than the reporter, is a suspected perpetrator or victim of unlawful discrimination, harassment or bullying.

B. REPORTING BY EMPLOYEES OR OTHER THIRD PARTIES

1. Mandatory Reporting by School Employees

Any employee who witnessed or who has reliable information or reason to believe that an individual may have been discriminated against, harassed or bullied in violation of policy 1710/4021/7230 must report the offense immediately to an appropriate individual designated in subsection C.1., below. An employee who does not promptly report possible discrimination, harassment or bullying shall be subject to disciplinary action.

2. Reporting by Other Third Parties

All members of the school community including students, parents, volunteers and visitors are also strongly encouraged to report any act that may constitute an incident of discrimination, harassment or bullying.

3. Anonymous Reporting

Reports of discrimination, harassment or bullying may be made anonymously but formal disciplinary action may not be taken solely on the basis of an anonymous report.

4. Investigation of Reports

Reports of discrimination, harassment or bullying shall be investigated sufficiently to determine whether further action under this policy or otherwise is necessary, and school officials shall take such action as appropriate under the circumstances. At the option of the alleged victim, the report may be treated as a complaint by the alleged victim under this policy.

C. COMPLAINTS BROUGHT BY ALLEGED VICTIMS OF DISCRIMINATION, HARASSMENT OR BULLYING

1. Filing a Complaint

   Any individual, who believes that he or she has been discriminated against, harassed or bullied is strongly encouraged to file a complaint orally or in writing to any of the following individuals:

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

   b. an immediate supervisor if the individual making the complaint is an employee;

   c. the assistant superintendent of human resources if the alleged perpetrator or alleged victim is an employee of the school system (or the superintendent if the assistant superintendent of human resources is the alleged perpetrator);

   d. the Title IX coordinator for claims of sex discrimination or sexual harassment; or

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

2. Time Period for Filing a Complaint

   A complaint should be filed as soon as possible but no later than 30 days after disclosure or discovery of the facts giving rise to the complaint. Complaints submitted after the 30-day period may be investigated; however, individuals should recognize that delays in reporting may significantly impair the ability of school officials to investigate and respond to such complaints.

3. Informal Resolution

   The board acknowledges that many complaints may be addressed informally through such methods as conferences or mediation, and the board encourages the use of such procedures to the extent possible. If an informal process is used, the principal or other designated personnel must (1) notify the complainant that he or she has the option to request formal procedures at any time and (2) make a copy of this policy and other relevant policies available to the complainant. In those circumstances in which informal procedures fail or are inappropriate or in which the complainant requests formal procedures, the complaints will be investigated promptly, impartially and thoroughly according to the procedures outlined in the remainder of this policy.

D. PROCESS FOR ADDRESSING COMPLAINTS OF ALLEGED INCIDENTS OF DISCRIMINATION, HARASSMENT OR BULLYING

1. Initiating the Investigation

   a. Whoever receives a complaint of discrimination, harassment or bullying pursuant to subsection C.1. shall immediately notify the appropriate investigator who shall respond to the complaint and investigate. The investigator of a complaint is determined as follows:

      i. If the alleged incident occurred under the jurisdiction of the principal, the investigator is the principal or designee, unless the alleged perpetrator is the principal, the assistant superintendent of human resources, the superintendent or a member of the board. If the alleged perpetrator is any other employee, the principal or designee shall conduct the investigation in consultation with the assistant superintendent of human resources or designee.

      ii. If the alleged perpetrator is the principal, the assistant superintendent of human resources or designee is the investigator.

      iii. If the alleged incident occurred outside of the jurisdiction of a principal (for example, at the central office), the assistant superintendent of human resources or designee is the investigator unless the alleged perpetrator is the assistant superintendent of human resources, the superintendent or a member of the board.

      iv. If the alleged perpetrator is the assistant superintendent for human resources, the superintendent or designee is the investigator.

      v. If the alleged perpetrator is the superintendent, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or bullying shall immediately notify the assistant superintendent of human resources who shall immediately notify the board chair. The board chair shall direct the board attorney to respond to the complaint and investigate.)

      vi. If the alleged perpetrator is a member of the board, the board attorney is the investigator. (In such cases, whoever receives a complaint of discrimination, harassment or

bullying shall immediately notify the superintendent who shall direct the board attorney to respond to the complaint and investigate. Unless the board chair is the alleged perpetrator, the superintendent shall also notify the board chair of the complaint.)

b. As applicable, the investigator shall immediately notify the Title IX, Section 504 or ADA coordinator of the complaint, and, as appropriate, may designate the coordinator to conduct the investigation.

c. The investigator shall explain the process of the investigation to the complainant and inquire as to whether the complainant would like to suggest a course of corrective action.

d. Written documentation of all reports and complaints, as well as the school system's response, must be maintained in accordance with policy 1710/4021/7230.

e. Failure to investigate and/or address claims of discrimination, harassment or bullying shall result in disciplinary action.

2. Conducting the Investigation

a. The investigator is responsible for determining whether the alleged act(s) constitutes a violation of policy 1710/4021/7230. In so doing, the investigator shall impartially, promptly and thoroughly investigate the complaint. The investigator shall interview (1) the complainant; (2) the alleged perpetrator(s); and (3) any other individuals, including other possible victims, who may have relevant information.

b. Information may be shared only with individuals who need the information in order to investigate and address the complaint appropriately. Any requests by the complainant for confidentiality shall be evaluated within the context of the legal responsibilities of the school system. Any complaints withdrawn to protect confidentiality must be recorded in accordance with policy 1710/4021/7230.

c. The investigator shall review the factual information gathered through the investigation to determine whether the alleged conduct constitutes discrimination, harassment or bullying, giving consideration to all factual information, the context in which the alleged incidents occurred, the age and maturity of the complainant and alleged perpetrator(s), and any other relevant circumstances.

3. Investigative Report

   a. The investigator shall submit a written investigative report to the superintendent and, as applicable, to the Title IX, Section 504 or ADA coordinator.

   b. The investigator shall notify the complainant of the results of the investigation within 15 days of receiving the complaint, unless additional time is necessary to conduct an impartial, thorough investigation. The investigator shall specify whether the complaint was substantiated and, if so, shall also specify:

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

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

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

   c. Information regarding specific disciplinary action imposed on the alleged perpetrator(s) will not be given to the complainant unless the information relates directly to the complainant (e.g., an order requiring the perpetrator not to have contact with the complainant).

   d. If the investigator determines that the complaint was substantiated, the perpetrator(s) shall be subject to discipline or other corrective steps, as described in policy 1710/4021/7230. If the corrective steps involve actions outside the scope of the investigator's authority, the superintendent will be notified so that responsibility for taking the corrective steps may be delegated to the appropriate individual.

   e. Each alleged perpetrator will be provided with a written summary of the results of the investigation in regard to whether the complaint was substantiated, whether the alleged perpetrator violated relevant law or board policies by his or her actions, and what, if any, disciplinary actions or consequences will be imposed upon the perpetrator in accordance with board policy. The perpetrator may appeal any disciplinary action or consequence in accordance with board policy and law. However, an appeal by the perpetrator of disciplinary action does not preclude school officials from taking

appropriate action to address the discrimination, harassment or bullying.

4. Appeal of Investigative Report

a. If the complainant is dissatisfied with the investigative report, he or she may appeal the decision to the superintendent (unless the alleged perpetrator is the assistant superintendent for human resources or the superintendent, in which cases the complainant may appeal directly to the board in accordance with the procedure described in subsection E.4.b below). The appeal must be submitted in writing within five days of receiving the investigative report. The superintendent may review the documents, conduct any further investigation necessary or take any other steps the superintendent determines to be appropriate in order to respond to the complaint. The superintendent shall provide a written response within 10 days after receiving the appeal, unless further investigation is needed.

b. If the complainant is dissatisfied with the superintendent's response, he or she may appeal the decision to the board within five days of receiving the superintendent's response. The board will review the documents, direct that further investigation be conducted if necessary and take any other steps that the board determines to be appropriate in order to respond to the complaint. Upon request of the complainant, the board will hold a hearing pursuant to policy 2500, Hearings Before the Board. The board will provide a written response within 30 days after receiving the appeal, unless further investigation is necessary or the hearing necessitates that more time be taken to respond.

E. TIMELINESS OF PROCESS

The number of days indicated at each step of the process should be considered a maximum. Every effort should be made to expedite the process.

If any school official charged with investigating the complaint or reviewing the investigation fails at any step in the process to communicate a decision within the specified time limit, the complainant will be entitled to appeal the complaint to the next step unless the official has notified the complainant of the delay and the reason for the delay, such as the complexity of the investigation, review or report. The school official shall make reasonable efforts to keep the complainant apprised of progress being made during any period of delay. Delays that interfere with the exercise of any legal rights are not permitted.

Failure by the complainant at any step in the process to appeal a complaint to the

next step within the specified time limit will be considered acceptance of the decision at that step, unless the complainant has notified the investigator of a delay and the reason for the delay and the investigator has consented in writing to the delay.

F. GENERAL REQUIREMENTS

1. No reprisals or retaliation of any kind will be taken by the board or by an employee of the school system against the complainant or other individual on account of his or her filing a complaint or report or participating in an investigation of a complaint or report filed and decided pursuant to this policy, unless the person knew or had reason to believe that the complaint or report was false or knowingly provided false information.

2. All meetings and hearings conducted pursuant to this policy will be private.

3. The board and school system officials will consider requests to hear complaints from a group, but the board and officials have the discretion to hear and respond to complainants individually.

4. The complainant may be represented by an advocate, such as an attorney, at any meeting with school system officials.

5. Should, in the judgment of the superintendent or designee, the investigation or processing of a complaint require that an employee be absent from regular work assignments, such absences shall be excused without loss of pay or benefits. This shall not prevent the superintendent or designee from suspending the alleged perpetrator without pay during the course of the investigation.

G. RECORDS

Records will be maintained as required by policy 1710/4021/7230.

Legal References: Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq*.; Americans with Disabilities Act, 42 U.S.C. 12101 *et seq.*, 28 C.F.R. pt. 35; Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; Rehabilitation Act of 1973, 29 U.S.C. 705(20), 794, 34 C.F.R. pt. 104; Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *et seq*., 34 C.F.R. pt. 100; Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq*., 29 C.F.R. pt. 1604; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 *et seq*., 34 C.F.R. pt. 106; *Racial Incidents and Harassment Against Students at Educational Institutions: Investigative Guidance*, U.S. Department of Education, Office for Civil Rights (1994); *Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties*, U.S. Department of Education, Office for Civil Rights (2001); *Gebser v. Lago Vista Independent School District*, 524 U.S. 274, (1998); *Davis v. Monroe County Board of*

Education, 526 U.S. 629 (1999); G.S. 115C-407.16; State Board of Education Policy HRS-A-007

Cross References: Prohibition Against Discrimination, Harassment and Bullying (policy 1710/4021/7230), Student and Parent Grievance Procedure (policy 1740/4010), Hearings Before the Board (policy 2500), Assaults, Threats and Harassment (policy 4331)

Adopted: January 11, 2010
Updated:

GOALS AND OBJECTIVES OF THE EDUCATIONAL PROGRAM

Policy Code: **3000**

The board believes that the function of formal education is to provide a foundation for lifelong learning and to enable each student to participate effectively and responsibly in a changing world. The board recognizes the critical role of parents, governmental and nonprofit agencies, businesses and the community in helping individual students and the school district meet educational goals. A successful educational program also depends on innovation at the individual school level. The board is committed to allowing individual schools to develop and implement plans necessary to ensure the educational success of their students.

In addition to providing a basic education program as prescribed by the State Board of Education, the board believes that the educational program also must strive to provide each student with the opportunity to:

1. learn to be responsible for and accept the consequences of one's conduct and academic performance;

2. develop the capacity to examine and solve problems;

3. foster respect and appreciation for cultural and ideological diversity and differences;

4. develop the ability to be productive in a team environment;

5. learn and acquire the skills necessary for a lifetime of continuous learning and adaption to change in the workplace and society;

6. prepare for challenging curriculum beyond secondary school and when possible, complete high school courses required for college entry in less than four years;

7. achieve high levels of success in a rigorous curriculum;

8. acquire the skills necessary for success as life-long learners;

9. acquire the skills needed for technological literacy in a rapidly changing world.

10. remain in school and earn a high school diploma and, when possible, earn an associate degree or two years of college credit.

These goals and objectives of the educational program will be used to guide administrators, teachers and the board in all of their duties, including curriculum development, selection of materials and issues related to instructional time.

Legal References: G.S. 115C—12(32), -36, -47, -81; State Board of Education Policies GCS-L-006 and GCS-F-016

Cross References: Curriculum Development (policy 3100), Selection of Textbooks and Supplementary Materials (policy 3200), Counseling Programs (policy 3610).

Adopted: March 6, 2000
Updated: June 1, 2009
Updated:

CLASS RANKINGS

Policy Code: **3450**

Class ranking is one method of measuring academic performance. The board also recognizes other means of evaluating student achievement, including grade point average, courses completed, rigorousness of curriculum, results of tests and assessments and recommendation letters.

High school principals may compile class rankings periodically and make the information available to a student, his or her parents or guardians, and to other institutions, at the request of the student or his or her parents or guardians. While high school principals may designate a valedictorian and salutatorian, the board encourages principals, with input from teachers, parents and students, to develop alternative or additional means of recognizing academic achievements.

Principals shall ensure that class ranking is computed in a fair and consistent manner as provided in State Board of Education Policy GCS-L-004. The superintendent and principal shall ensure that students and parents receive adequate notice as to how class rank is calculated and shall provide written procedures on how students with equal grades, or grades that may be perceived as equal, will be treated. Nothing in this policy provides a student with any legal entitlement to a particular class rank or title. Although the student grievance procedure provided in policy 1740/4010, Student and Parent Grievance Procedure, may be utilized to resolve disputes formally, the board encourages parents, students and principals to reach a resolution informally on any matters related to class rank.

Legal References: G.S. 115C-47, -81, -276, -288; 116-11(10a); State Board of Education Policy GCS-L-004

Cross References: Parental Involvement (policy 1310/4002), Student and Parent Grievance Procedure (policy 1740/4010), Goals and Objectives of the Educational Program (policy 3000), Recognizing Excellence (policy 3440)

Adopted: March 6, 2000
Updated: August 3, 2009
Updated:

PROBATIONARY TEACHERS: NONRENEWAL

Policy Code: **7950**

The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient, so long as the cause is not arbitrary, capricious or discriminatory or for personal or political reasons. Probationary teachers during the term of their contract will be demoted or dismissed only in accordance with policy 7930, Professional Employees: Demotion and Dismissal.

A. TEACHER RIGHTS UPON NONRENEWAL

By no later than May 15, the superintendent shall provide written notice to the probationary teacher of the superintendent's intent to recommend nonrenewal and the teacher's right, within 10 days of receipt of the superintendent's recommendation, to request and receive written notice of the reasons for the superintendent's recommendation for nonrenewal and the information that the superintendent may share with the board to support the recommendation for nonrenewal. The failure to file a timely request within 10 days shall result in a waiver of the right to this information. If a teacher files a timely request, the superintendent shall provide the requested information, and the teacher shall be permitted to submit supplemental information to the superintendent and board prior to the board's decision.

A probationary teacher, whose contract is not in the final year before the probationary teacher is eligible for career status, has the right to petition the board for a hearing regarding the superintendent's recommendation for nonrenewal. The board will notify the probationary teacher of its decision whether to grant a hearing. For all proceedings initiated after August 31, 2010 teachers eligible for career status have the right to a hearing before the board if the superintendent recommends that the board not grant the teacher career status for any reason other than a reduction in force (see policy 7410, Career Status).

The teacher and Superintendent will be notified of the time, date, and place of the hearing. At least two work days before the day of the hearing, the teacher and Superintendent will provide to the Board and to one another copies of all documents to be presented at the hearing. Documents not exchanged in advance of the hearing may not be used as evidence without the consent of both parties or by a majority of the Board or Board panel. The teacher shall include with these documents a statement of the specific reasons for challenging the Superintendent’s recommendation.

The board will notify the probationary teacher whose contract will not be renewed for the next school year of its decision by June 15. If, however, a teacher

submitted a request for information or a hearing, the board shall provide the nonrenewal notification by July 1 or a later date upon the written consent of the superintendent and teacher.

B. NONRENEWAL DUE TO REDUCTION IN FORCE: PROBATIONARY STATUS

The provisions in this section apply to full-time permanent probationary teachers who (1) are non-renewed because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board within three years of their nonrenewal.

The provisions in this section also apply to full-time probationary teachers who (1) resign in good standing effective at the end of the school year after receiving documentation that their position may be eliminated because of a decrease in the number of school system positions resulting from decreased funding, decreased enrollment or school system reorganization and (2) are subsequently rehired by the board.

1. Teachers Not Eligible for Career Status at the Time of Nonrenewal

   The intervening years when the teacher was not employed by the board shall not be deemed to constitute either a break either a break in continuity of years of service or a consecutive year of service for purposes of determining eligibility for career status, provided the teacher gives notice as required in subsection B.3 below.

2. Teachers Eligible for Career Status at the Time of Nonrenewal

   Teachers who have met all service requirements to be eligible for career status pursuant to policy 7410 at the time of their nonrenewal shall be eligible for a career status decision after one additional year of employment upon being rehired, provided the teacher gives notice as required in subsection B.3 below.

3. Required Notice

   a. Within 60 calendar days of the teacher's first day of employment upon being hired, the teacher must:

      (1) give written notice to the executive director of human resources that the teacher's nonrenewal did not constitute a break in service because it was pursuant to policy 7920, Professional Personnel Reduction in Force; and

      (2) provide information establishing to the satisfaction of the

superintendent that the teacher was non-renewed because of a decrease in the number of positions triggered by decreased funding or enrollment or due to school system reorganization.

b. The superintendent or designee shall notify the teacher of the 60-day deadline using a method reasonable calculated to provide actual notice. If the superintendent or designee fails to provide notice within 30 calendar days after the teacher's first day of employment upon rehiring, the teacher's obligation to provide notice shall not commence until such time that the teacher is notified by the superintendent or designee of the 60-day deadline.

c. The superintendent is not authorized to waive the notice required from the teacher by this subsection without prior approval of the board.

4. Superintendent's Decision and Board Review

a. The superintendent shall issue a written decision to the teacher within a reasonable period of time upon receiving the information required by this section.

b. Within 10 calendar days of receipt, the teacher may petition the board in writing for review of the superintendent's decision.

c. The board will review the matter on the record and issue a written decision.

Legal References: G.S. 115C-45(c), -325

Cross References: Career Status (policy 7410), Professional Personnel Reduction in Force (policy 7920), Professional Employees: Demotion and Dismissal (policy 7930)

Adopted: April 13, 2010
Updated: March 8, 2011
Updated:

The superintendent is responsible for monitoring construction the contracts with the architect and/or engineer and all contractors. The superintendent or designee will report periodically to the board on the progress being made by the contractors, architects and/or engineers, including whether the work is being performed in accordance with plans, specifications, contracts and specified deadlines.

The superintendent may utilize consultants in performing the review required by this policy. Any contract for such services must be approved by the board and the cost must be included in the budget for the project.

Legal References: G.S. 115C-36, -47; 133-1.1

Cross References:

Adopted: May 1, 2000
Updated:

Pests are significant problems for people and property. The pesticides that are commonly used in pest control may pose a potential risk to human health and the environment. The board is committed to maintaining a safe educational environment while also protecting the physical conditions of school facilities. To this end, the board will utilize Integrated Pest Management (IPM) programs or incorporate IPM procedures into the maintenance program conducted by the school system. The superintendent will appoint an IPM contact person to facilitate the use of IPM techniques. As necessary, the superintendent will develop administrative procedures for the IPM program.

A. OVERVIEW OF INTEGRATED PEST MANAGEMENT

IPM is a comprehensive approach that combines effective, economic, environmentally sound and socially acceptable methods to prevent and solve pest problems. IPM emphasizes pest prevention and provides a decision-making process for determining if, when and where pest suppression is needed and what control tactics are appropriate.

Through its IPM program, the school system will strive to do the following:

1. Minimize any potential health, environmental and economic risks from pests or from the use of pest control methods;
2. Minimize loss or damage to school structures or property from pests or from the use of pest control methods;
3. Minimize the risk of pests spreading into the community; and
4. Enhance the quality of facility use for the school and community.

Pesticides use will not be based *solely* on a schedule. School personnel in charge of pest management will consider how and when pesticides need to be used to achieve the pest management goals.

B. USE OF IPM IN FACILITY AND MAINTENANCE OPERATIONS

The school system shall include pest management considerations in facilities planning and maintenance. The IPM contact person, in conjunction with the school system's contracted pest management professional, will recommend to the superintendent any landscaping, structural modifications and sanitation changes needed to reduce or prevent pest problems. The superintendent will review such recommendations and may authorize action to address necessary minor changes in a timely manner, as the budget permits. For significant changes or changes that require a significant expenditure of funds, the superintendent will recommend changes to the board for approval.

C. PROVIDING INFORMATION ON IPM TO THE SCHOOL COMMUNITY

Staff, students, pest managers, parents and the public will be informed about potential school pest problems, school IPM policies and procedures, and their respective roles in achieving the desired pest management objectives. Each year, the principal or his or her designee will ensure that the student handbook includes the schedule of anticipated pesticide use on school property and a notice to parents, guardians and custodians of their right to request notification of nonscheduled pesticide use. Additionally, the principal or designee shall annually notify school staff of scheduled pesticide use on school property and of their right to request notice of nonscheduled pesticide use. Notice of nonscheduled pesticide use should be made at least 72 hours in advance of such use, to the extent possible.

D. RECORDKEEPING

Records of all pest management activities shall be maintained, including inspection records, monitoring records, pest surveillance data sheets or other indicators of pest populations, and a record of structural repairs and modifications. If pesticides are used, records shall be maintained on site to meet the requirements of the state regulatory agency and school board.

Legal References: G.S. 115C-12(34) d and e, -36, -47(7)

Cross References: School Safety (policy 1510/4200/7270), Planning to Address Facility Needs (policy 9000), Care and Maintenance of Facilities (policy 9200)

Adopted: January 11, 2010
Updated: